

**PB# 06-26**

**TLC Day Care**

**65-2-23**

TOWN OF NEW WINDSOR  
PLANNING BOARD  
**APPROVED COPY**  
DATE: April 26, 2007

**06-26**

TLC Day Care - Rt. 94  
(Torres) Former Shadden's School

P.B. #06-26 Approval Se

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#290-2007**

04/24/2007

Torres, Aida

Received \$ 125.00 for Planning Board Fees, on 04/24/2007. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/26/2007

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LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
04/26/2007	PLANS STAMPED	APPROVED
01/24/2007	P.B. APPEARANCE . ADDRESS MARK'S COMMENTS - NEED COST ESTIMATE	APPR COND
12/13/2006	P.B. APPEARANCE . RETURN TO WORK SHOP AND ADDRESS MARK'S COMMENTS	CL PH; RET TO WS
09/27/2006	P.B. APPEARANCE . REVISE PLANS AS PER MARKS COMMENTS - SEND REVISED PLAN TO . OCPLANNING - SCHEDULE PH AFTER REVISED PLANS	LA:SCH PH REVISE
09/06/2006	WORK SHOP	SUBMIT
08/02/2006	WORK SHOP	RET TO WS



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/26/2007

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LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/18/2006	EAF SUBMITTED	09/18/2006	WITH APPLIC
ORIG	09/18/2006	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/18/2006	LEAD AGENCY DECLARED	09/27/2006	TOOK LA
ORIG	09/18/2006	DECLARATION (POS/NEG)	/ /	
ORIG	09/18/2006	SCHEDULE PUBLIC HEARING	09/27/2006	SCHED PH
ORIG	09/18/2006	PUBLIC HEARING HELD	12/13/2006	CLOSE PH
ORIG	09/18/2006	WAIVE PUBLIC HEARING	/ /	
ORIG	09/18/2006	FINAL PUBLIC HEARING	/ /	
ORIG	09/18/2006	PRELIMINARY APPROVAL	/ /	
ORIG	09/18/2006	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/24/2007

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LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/11/2007	S.P. APPROVAL	CHG	125.00		
04/24/2007	REC. CK. #1581	PAID		125.00	
			-----	-----	-----
		TOTAL:	125.00	125.00	0.00



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## OFFICE OF THE PLANNING BOARD

TLC Daycare  
111 Main Street  
Cornwall, NY 12518

ATTN: AIDA TORRES

SUBJECT: FEES DUE P.B. #06-26

Dear Aida:

Please find attached printouts of fees due for subject project.

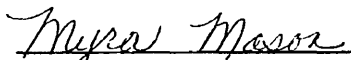
Please submit payment in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$	125.00
Check #2 – Amount over escrow.....	\$	405.18
Check #3 – 2% of Cost Estimate \$23,650.00.....	\$	473.00

Upon receipt of these checks and ten (10) sets of plans **(with at least five (5) sets being folded)**, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

  
\_\_\_\_\_  
Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/13/2007

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPROVAL**

FOR PROJECT NUMBER: 6-26  
NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/11/2007	S.P. APPROVAL	CHG	125.00		
			-----	-----	-----
		TOTAL:	125.00	0.00	125.00

*Check 1*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/13/2007

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/18/2006	REC. CK. #1458	PAID		750.00	
09/27/2006	P.B. MINUTES	CHG	77.00		
09/27/2006	P.B. ENGINEER FEE	CHG	392.70		
10/12/2006	CORDISCO, ATTY FEES	CHG	490.00		
12/01/2006	LEGAL NOTICE	CHG	13.48		
12/13/2006	P.B. MINUTES	CHG	147.00		
01/24/2007	P.B. MINUTES	CHG	35.00		
		TOTAL:	1155.18	750.00	405.18

*Check 2*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/13/2007

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/11/2007	2% OF COST EST \$23,650.00	CHG	473.00		
			-----	-----	-----
		TOTAL:	473.00	0.00	473.00

Check 3

P.B. 06-26

ITEMIZED COST ESTIMATES

Playset		\$ 3,275.00
Sign	(4ft by 8ft - 2 sided color - on 4X4 post)	\$ 2,930.00
Fencing	(4ft chain link on 6,700 sq. ft.)	\$ 3,845.00
Paving/Parking	(.30 cents per sq. ft for stone base (including labor)	
	(\$1.00 per sq. ft. for 3in. of asphalt (including labor)	
	(\$200.00 for striping)	<u>\$ 13,600.00</u>
		\$ 23,660.00

Aida Torres  
TENDER LEARNING CARE  
878 Blooming Grove Turnpike  
New Windsor, NY 12553  
845-534-4843

To: Myra (563-4689)  
From: Aida Torres

Please call me as soon  
as you can.

Thank you.  
534-4843



**McGOEY, HAUSER and EDSALL**  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

☐ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

☐ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@mhepc.com

**Writer's E-mail Address:**  
mje@mhepc.com

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

**TOWN/ VILLAGE OF:** New Windsor **P/B APP. NO.:** 100-3 06-26  
**WORK SESSION DATE:** 3 Jan 07 **PROJECT:** NEW OLD X  
**REAPPEARANCE AT W/S REQUESTED:** No **RESUB. REQ'D:** corrected plan  
**PROJECT NAME:** JLC Day Care  
**REPRESENTATIVES PRESENT:** Ed Gammon / Ada T.  
**MUNICIPAL REPS PRESENT:** BLDG INSP.        PB ATTY.         
FIRE INSP. X PLANNER         
P/B CHMN        OTHER       

**ITEMS DISCUSSED:**

- fix play table  
- 25' aisle  
- call out type of fence  
20' high - 5-7 ft wide on side  
- add fence detail  
- add rev. date  
- cost est  
- trees/landscape  
- will add garbage pile level

**STND CHECKLIST:**

DRAINAGE         
DUMPSTER         
SCREENING         
LIGHTING         
(Streetlights)  
LANDSCAPING         
BLACKTOP         
ROADWAYS         
APPROVAL BOX       

**PROJECT TYPE**

SITE PLAN  
SPEC PERMIT  
L L CHG.  
SUBDIVISION  
OTHER

**PROJECT STATUS:**

ZBA Referral:        Y X N

Ready For Meeting X Y        N

Recommended Mtg Date next avail



P.B. 06-26

For: Myra

**TENDER LEARNING CARE**  
878 Bloominggrove Turnpike  
Aida Torres  
845-534-4843

**Itemized Estimated Costs**

Playset		\$	3,000.00
Sign	( 4ft by 8 ft)-2 sided	\$	2,000.00
Fencing	(Supplies (4ft - Chain Link)	\$	2,000.00
Paving/Parking	(10,000 sq. ft- new)		
	(3,400 sq. ft - existing)	\$	13,000.00
		\$	20,000.00

FAX TO: 534 - 1240

**SEAL KING**

Larry DeGroedt  
P.O. Box 11  
Walden N.Y. 12586

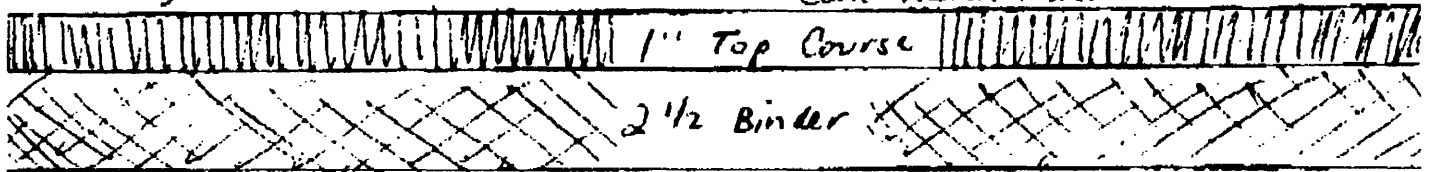
06-26

For: Mark

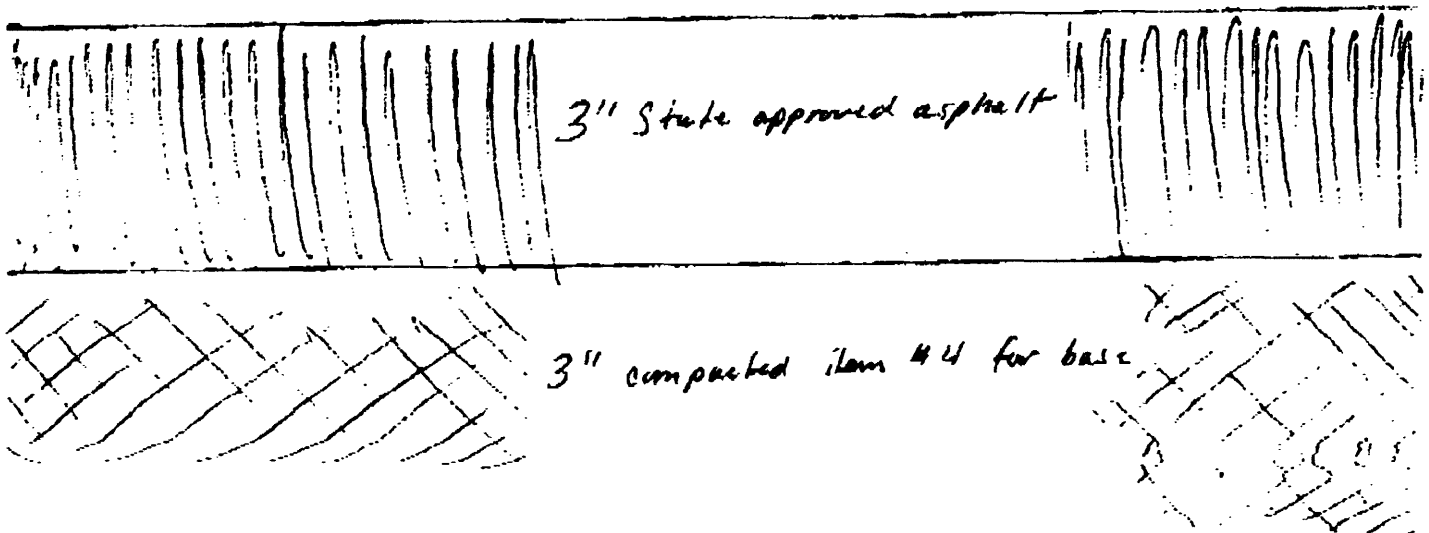
Edsall

To whom it May Concern

We would like to change the 1" top course and 2 1/2" of binder to 3" top course and 3" compacted item #4 for base. In doing so, the life of the top coat will be extended, without compromising the strength. Being that it is going to be used for parking cars & lightweight trucks, the binder is not necessary. 3" stone and 3" of state approved asphalt can handle most commercial traffic.



change to:





PROJECT: TLC Daycare Center P.B. # 06-26

**NEGATIVE DEC:**

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_  
CARRIED: Y\_\_\_\_N\_\_\_\_

SEND TO O.C. PLANNING: Y\_\_\_\_  
SEND TO DEPT. OF TRANSPORTATION: Y\_\_\_\_

RETURN TO WORK SHOP: Y\_\_N\_\_

NEED NEW PLANS: Y\_\_\_N\_\_\_

~~Correct Dumping bin location~~ Remove dumpster info

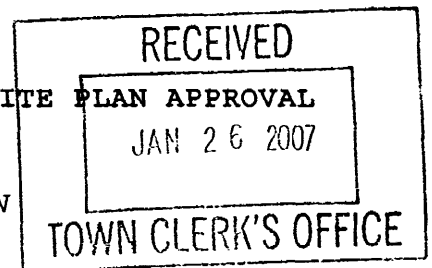
Address Mark's comments

January 24, 2007

RESOLUTION GRANTING A SPECIAL USE PERMIT AND SITE PLAN APPROVAL

TLC DAY CARE FACILITY  
SPECIAL USE PERMIT & SITE PLAN

PB #06-26  
(S-B-L: 65-2-23)



WHEREAS, an application was made to the Planning Board of the Town of New Windsor for a special use permit and site plan approval by Aida Torres (the "applicant") for a project described as the "TLC DAY CARE FACILITY";

WHEREAS, the subject site consists of 1.4 acres of land, located at NYS Route 94, comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 65, Block 2, and Lot 23; and

WHEREAS, the action involves a request for a Special Use Permit and Site Plan approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application was held at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, in support of its application, the applicant submitted a proposed site plan designated "Site Plan Prepared For Day Care Facility," dated July 20, 2006, and last revised on January 5, 2007, consisting of 1 sheet, and prepared by Edward T. Gannon, L.S.; and

WHEREAS, the Planning Board now wishes to act on the application for a special use permit and site plan approval; and

NOW, THEREFORE, pursuant to Town Code §§ 300-86 and 300-87 the Planning Board hereby grants a special use permit and site plan approval to the Applicant. Specifically, the Planning Board hereby finds,

(1) That the proposed structure shall be readily accessible for fire and police protection; and

(2) That the proposed use shall be of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.

FURTHERMORE, the site plan shall not be signed by the Chairman until the Applicant has complied with the following conditions:

1. The Applicant shall revise the site plan to address any outstanding comments from the Planning Board and/or its consultants. Any revisions to the site plan shall be made to the satisfaction of the Planning Board Engineer and the Planning Board Attorney.
2. If required, the Applicant shall provide performance security in an amount and form acceptable to the Planning Board Engineer and the Planning Board Attorney.
3. Submission of written evidence that the Applicant has obtained any required approval from any outside agency.

4. The applicant shall pay all outstanding fees due the Town for review of this application.


Upon motion made by Member Van Leeuwen,  
seconded by Member Minuta, the foregoing  
resolution was adopted as follows:

Member, Joseph Minuta	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent

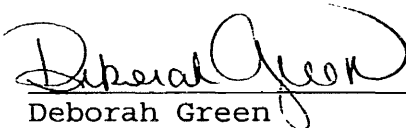
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Alternate, Daniel Gallagher	Aye	Nay	Abstain	Absent
Alternate, Henry Schieble	Aye	Nay	Abstain	Absent

Dated: January 24, 2007  
New Windsor, New York

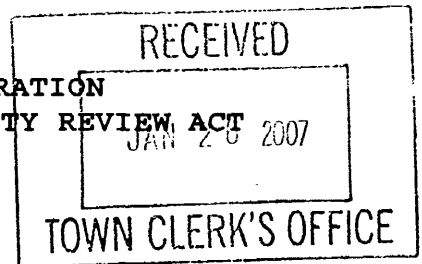
  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 26<sup>th</sup> day  
of January, 2007.

  
Deborah Green  
Town Clerk

RESOLUTION ADOPTING A NEGATIVE DECLARATION  
UNDER THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW ACT

TLC DAY CARE FACILITY  
SPECIAL USE PERMIT & SITE PLAN  
PB #06-26  
(S-B-L: 65-2-23)



WHEREAS, an application was made to the Planning Board of the Town of New Windsor for a special use permit and site plan approval by Aida Torres (the "applicant") for a project described as the "TLC DAY CARE FACILITY";

WHEREAS, the subject site consists of 1.4 acres of land, located at NYS Route 94, comprised of one tax map parcel in the Town of New Windsor, and designated on the tax map as Section 65, Block 2, and Lot 23; and

WHEREAS, the action involves a request for a Special Use Permit and Site Plan approval from the Town of New Windsor; and

WHEREAS, the applicant has submitted a fully executed Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application was held at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m; and

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of this preliminary subdivision plat.

NOW, THEREFORE, be it resolved as follows:

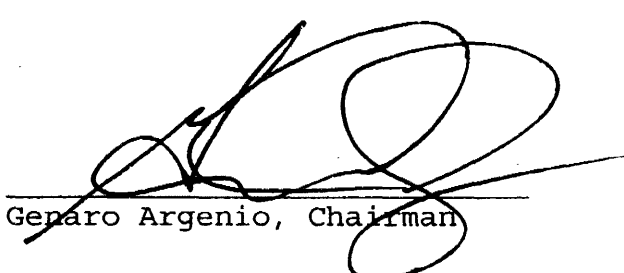
1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Van Leeuwen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Joseph Minuta	<u>Aye</u>	Nay	Abstain	Absent
Member, Howard Brown	<u>Aye</u>	Nay	Abstain	Absent
Member, Neil Schlesinger	<u>Aye</u>	Nay	Abstain	Absent
Member, Henry Vanleeuwen	<u>Aye</u>	Nay	Abstain	Absent
Chairman, Genaro Argenio	<u>Aye</u>	Nay	Abstain	Absent
- - -				
Alternate, Daniel Gallagher	Aye	Nay	Abstain	Absent
Alternate, Henry Schieble	Aye	Nay	Abstain	Absent



Dated: January 24, 2007  
New Windsor, New York



\_\_\_\_\_  
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this \_\_\_\_\_ day  
of \_\_\_\_\_, 2007.

\_\_\_\_\_  
Deborah Green  
Town Clerk

## **NEGATIVE DECLARATION**

*TLC DAY CARE FACILITY  
SPECIAL USE PERMIT & SITE PLAN  
PB #06-26  
(S-B-L: 65-2-23)*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an Uncoordinated review of this Unlisted Action.

Name of Project: TLC DAY CARE FACILITY  
Action Type: Unlisted Action; Uncoordinated Review  
Location: Town of New Windsor, County of Orange  
Location: NYS Route 94  
Zoning District: C -- Commercial  
Tax Map Parcel: 65-2-23

### **Summary of Action:**

The action involves a request for a special use permit and site plan approval to operate a day care facility utilizing an existing structure.

### **Reasons Supporting the Negative Declaration:**

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting the lot line change.

No new lots or structures will be created by virtue of this application. Although there are existing nonconformities with the layout of the existing site, those nonconformities will not be increased by virtue of the approval being sought. In all other respects, the proposed use is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Neither solid waste generation, energy consumption, nor public service demands would be significant or excessive for this activity. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: January 24, 2007  
Agency Address: Town of New Windsor Planning Board  
Town Hall – 555 Union Avenue  
New Windsor, New York 12553  
Tel. (845) 563-4615  
Contact Person: Genaro Argenio, Planning Board Chairman

AS OF: 04/11/2007

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## CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 6- 26

FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION	RATE	HRS.	DOLLARS			
									TIME	EXP.	BILLED	BALANCE
6-26	319988	01/03/07	TIME	MJE	WS	TLC DAY CARE S/P	119.00	0.40	47.60			
6-26	323683	01/22/07	TIME	MJE	MR	TLC DAY CARE S/P	119.00	0.60	71.40			
6-26	323687	01/23/07	TIME	MJE	MR	TLC DAY CARE S/P	119.00	0.20	23.80			
6-26	322758	01/24/07	TIME	MJE	MM	TLC Spec Pmt + S/P	119.00	0.10	11.90			
6-26	323697	01/24/07	TIME	MJE	PM	KVW PROJECT W/GA	119.00	0.20	23.80			
6-26	323700	01/24/07	TIME	MJE	MM	TLC DAY CARE S/P	119.00	0.40	47.60			
6-26	325571	02/05/07	TIME	MJE	MC	TC/AIDA T:S/P SAVINGS	119.00	0.30	35.70			
									261.80			
6-26	326016	02/20/07			BILL	07-584					-261.80	
											-261.80	
6-26	332170	03/21/07	TIME	MJE	MC	KVW TLC BOND/GA	119.00	0.30	35.70			
6-26	332171	03/22/07	TIME	MJE	MC	EMC MM:TLC BOND	119.00	0.30	35.70			
6-26	333507	04/11/07	TIME	MJE	MC	RevCostEst & closeou	119.00	0.50	59.50			
						TASK TOTAL			392.70		-261.80	130.90
										0.00		
						GRAND TOTAL			392.70		-261.80	130.90
										0.00		

REGULAR\_ITEMS:

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TLC\_DAYCARE\_CENTER\_SITE\_PLAN\_&\_SPECIAL\_PERMIT\_(06-26)

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MR. ARGENIO: Regular items TLC Daycare Center site plan.

Ms. Liz Torres and Ms. Joan Shedden appeared before the board for this proposal.

MR. ARGENIO: This application proposes conversion of the existing building to a daycare center. The application was previously reviewed at the 27 September, 2006, 13 December, 2006 planning board meetings. I understand from our engineer that you folks have come a long way with this, I want to touch on a couple things real quick. Everybody familiar with this? Yes?

MR. MINUTA: Yes.

MR. ARGENIO: They have cleaned up the paving business, the parking is now noted as paved, they corrected the handicapped detail, I mean, we went through three pages of plans. Ma'am, could you please share with me, outside the lobby as I came she shared a couple of the very minor things, actually, let's not even get into this, the members take a look at it and ask the questions you need to ask and I think we really talked about this a lot. There's a note there that says garbage enclosure area pointed to a parking space, that's a mistake, that arrow points to the wrong spot, that arrow should point to the white space right adjacent to the building, create a little box just to the left of that space that's going to be their refuse area. Ma'am, you said you weren't going to have a dumpster, is that right?

MS. SHEDDEN: Correct, we spoke to Mark about that and it was determined that the amount of refuse that we

would have could be covered by bins.

MR. BABCOCK: They should just take that comment right off the plan, Mr. Chairman.

MR. EDSALL: Bottom line is that the fire inspectors may suggest a better location.

MR. ARGENIO: And you comply.

MR. EDSALL: Wherever you folks work it out.

MR. ARGENIO: You don't have to build a masonry dumpster enclosure where you wrote it on there.

MS. TORRES: Yes.

MR. EDSALL: We'll just take that right off the plan.

MR. ARGENIO: While you guys are looking at the plans, anybody sees fit, I'll accept a motion for negative dec on this.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board declare a negative dec under the SEQRA process for Torres Daycare site plan. If there's no further discussion from the board members, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: What does item number 3 mean, the first bullet, that all the proposed equipment or materials are readily accessible for fire and police protection?

MR. EDSALL: The special permit process in the Town of New Windsor if you look at the newly enhanced code that was adopted a couple years ago requires that the board when you issue a special permit reach certain determinations so you'll see that comment I'll hopefully remember each time that you have a special permit to issue that I'm going to ask you to put that into the record that you have made those determinations, those two bullets.

MR. CORDISCO: I've already added them to the formal resolution that I prepared.

MR. ARGENIO: So they're a non-issue?

MR. CORDISCO: So in the resolution itself if you adopt the resolution, the resolution is saying you're making the finding that those items have been met but if you could say it on the record all the better.

MR. ARGENIO: They have really come a long way, they have done a fine job. Does anybody have anything with this or can I begin my--

MR. VAN LEEUWEN: Begin.

MR. MINUTA: The fence is the only thing that comes to my mind.

MR. ARGENIO: That was the biggest issue and that was taken care of.

MR. SCHLESINGER: Not an issue.

MR. ARGENIO: No, we got passed that last time, they have the parking lot 7 and 11 to back into. Okay,

Mark, this is a motion for final approval or special permit approval?

MR. EDSALL: You've got a resolution that our attorney prepared for granting the special permit and site plan approval.

MR. ARGENIO: So it would be a motion to adopt the resolution that Dominic prepared.

MR. VAN LEEUWEN: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that we adopt the resolutions Dominic Cordisco prepared relative to TLC Daycare site plan subject to the applicant removing that note from the plans. The applicant agrees? Is this a yes?

MS. TORRES: Yes.

MR. ARGENIO: That they will comply with the fire inspector in locating their refuse bins and the conditions set forth in Mark's item number 4, surveyor corrects the plans based on the engineer's input, we receive the bond estimate and all your fees are paid. If there's no further discussion from the board members, I will have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Good luck to you, ma'am. I told you it was not going to be that difficult and you certainly

January 24, 2007

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did a fine job between the last meeting and this meeting in getting that plan cleaned up, thank goodness. Good luck to you.





**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** TLC (TORRES) DAY CARE SITE PLAN  
**PROJECT LOCATION:** NYS ROUTE 94 (JUST EAST OF FIVE CORNERS)  
SECTION 65 – BLOCK 2 – LOT 23  
**PROJECT NUMBER:** 06-26  
**DATE:** 24 JANUARY 2007  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONVERSION OF THE  
EXISTING BUILDING TO A DAY CARE CENTER. THE APPLICATION  
WAS PREVIOUSLY REVIEWED AT THE 27 SEPTEMBER 2006 AND  
13 DECEMBER 2006 PLANNING BOARD MEETINGS.

1. To recap the general zoning status of the project, please note that the building was previously (reportedly) used as a school, and is now proposed as a day care facility. The property is in the "C" zoning district. The former use and proposed use are both classified as use B-6 (as per the Zoning Officer). The existing lot has existing non-conformities. The Zoning Officer has advised that area variances are not required for the application, since the same use group is to continue, and the conditions are pre-existing. The use is a Special Permit Use, a public hearing was previously held.

The applicants have submitted a corrected plan. Parking is now noted as paved, a pavement detail has been provided, spaces are dimensioned, and a corrected handicapped parking detail is now on the plan. New fence is proposed in areas to eliminate the former encroachment problem and replace failing fences.

My only comment is with regard to the garbage enclosure area. I suspect the Fire Inspector's Office will require a different location, but I will leave that to them.

Also, the plan previously included a bulk table. It is now missing. It should be added back onto the final plan submitted for stamping.

**REGIONAL OFFICES**

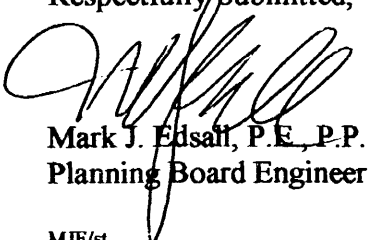
- 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

2. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
3. Prior to considering Special Permit Approval, the Board should make the following determinations with regard to the application:
  - That all proposed structures, equipment or materials are readily accessible for fire and police protection.
  - That the proposed use and layout are in harmony with the orderly development of the zoning district, and will not have a detrimental effect on the adjacent properties.

Following this determination, the Board should consider granting the special permit, with any conditions or terms as the board may deem appropriate.

4. If the Board deems it appropriate to grant conditional final approval, I recommend the following conditions, in addition to those outlined by the Planning Board:
  - That the applicant's surveyor corrects the plan as noted in the Engineer's comments of this date.
  - That the Applicant prepare a bond estimate for the key site improvements of this Site Plan in accordance with Chapter 137 of the Town Code, with such estimate being subject to the acceptance of the Engineer for the Planning Board (Applicants are advised that a list of acceptable unit prices is available from the Engineer for the Planning Board).
  - That all fees be paid prior to stamp of approval (inspection fees must be paid prior to start of any construction work).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW06-26-24Jan07

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/24/2007

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	10/27/2006	O.C. PLANNING . 30-DAYS - NO RESPONSE FROM OCPLANNING	01/18/2007	30 DAYS - NO RESP
ORIG	09/18/2006	MUNICIPAL HIGHWAY	09/25/2006	APPROVED
ORIG	09/18/2006	MUNICIPAL WATER	/ /	
ORIG	09/18/2006	MUNICIPAL SEWER	/ /	
ORIG	09/18/2006	MUNICIPAL FIRE	09/25/2006	APPROVED
ORIG	09/18/2006	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/24/2007

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/18/2006	EAF SUBMITTED	09/18/2006	WITH APPLIC
ORIG	09/18/2006	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/18/2006	LEAD AGENCY DECLARED	09/27/2006	TOOK LA
ORIG	09/18/2006	DECLARATION (POS/NEG)	/ /	
ORIG	09/18/2006	SCHEDULE PUBLIC HEARING	09/27/2006	SCHED PH
ORIG	09/18/2006	PUBLIC HEARING HELD	12/13/2006	CLOSE PH
ORIG	09/18/2006	WAIVE PUBLIC HEARING	/ /	
ORIG	09/18/2006	FINAL PUBLIC HEARING	/ /	
ORIG	09/18/2006	PRELIMINARY APPROVAL	/ /	
ORIG	09/18/2006	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 01/24/2007

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785

APPLICANT: AIDA TORRES

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
12/13/2006	P.B. APPEARANCE . RETURN TO WORK SHOP AND ADDRESS MARK'S COMMENTS	CL PH; RET TO WS
09/27/2006	P.B. APPEARANCE . REVISE PLANS AS PER MARKS COMMENTS - SEND REVISED PLAN TO . OCPLANNING - SCHEDULE PH AFTER REVISED PLANS	LA:SCH PH REVISE
09/06/2006	WORK SHOP	SUBMIT
08/02/2006	WORK SHOP	RET TO WS



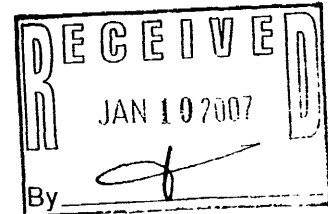
# THE SENTINEL

P.O. BOX 406  
VAILS GATE, NY 12584

## Invoice

Date	Invoice #
12/14/2006	8611

Bill To
TOWN OF NEW WINDSOR 555 UNION AVE NEW WINDSOR, NY 12553



*Man*

P.O. No.	Terms	Project
47428	Due on receipt	

Issue Date	Description	PCS/Units	Amount
12/1/2006	LEGAL ADS: TLC DAYCARE CENTER (TORRES) 1 AFFIDAVIT	9.48 4.00	9.48 4.00
Total			\$13.48

VISA, MASTERCARD, AMERICAN EXPRESS PAYMENTS ACCEPTED, CALL (845)  
562-1218

**LEGAL NOTICE**  
 NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on DECEMBER 13TH, 2006 at 7:30 P.M. on the approval of the proposed Site Plan and Special Permit for TLC DAYCARE CENTER (TORRES) (06-26) RT. 94 Proposed daycare center. Located at RT. 94 (Tax Map #Section 65 Block 2, Lot 23). Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.  
 Date: 11/14/06  
 By Order of  
 TOWN OF NEW WINDSOR PLANNING BOARD

State of New York  
 County of Orange, ss:  
 Patricia Quill being duly sworn disposes and says that she is The Supervisor of Legal Dept. of the E.W. Smith Publishing Company, Inc. Publisher of The Sentinel, a weekly newspaper published and of general circulation in the Town of New Windsor, Town of Newburgh and City of Newburgh and that the notice of which the annexed is a true copy was published in said newspaper, |X commencing on the 1 day of Dec A.D., 2006 and ending on the 1 day of Dec A.D. 2006

*[Signature]*

Subscribed and shown to before me this 3<sup>rd</sup> day of Jan, 2006  
*[Signature]*  
 Notary Public of the State of New York County of Orange.

Notary Public of the State of New York  
 County of Orange  
 Commission Expires July 15, '07

My commission expires \_\_\_\_\_.



PROJECT: TLC Daycare P.B. # 06-26

**NEGATIVE DEC:**

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_  
CARRIED: Y\_\_\_\_N\_\_\_\_

M)\_\_\_\_S)\_\_\_\_VOTE: A\_\_\_\_N\_\_\_\_  
CARRIED: Y\_\_\_\_N\_\_\_\_

M) Schl S) Mn VOTE: A 5 N 0 SCHEDULE P.H.: Y      N     

SEND TO O.C. PLANNING: Y\_\_\_\_  
SEND TO DEPT. OF TRANSPORTATION: Y

REFER TO Z.B.A.: M) \_\_\_\_\_ S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_

RETURN TO WORK SHOP: Y ☒ N ☐

**APPROVAL:**

M) - S) \_\_\_\_\_ VOTE: A \_\_\_\_\_ N \_\_\_\_\_ APPROVED: \_\_\_\_\_

NEED NEW PLANS: Y N

**CONDITIONS – NOTES:**

Show fence on the property.

Address Mark's comments - Not Done from last time

December 13, 2006 Nait...



PUBLIC HEARINGS:

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TLC\_DAYCARE\_CENTER\_SITE\_PLAN\_&\_SPECIAL\_PERMIT\_(06-26)

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MR. ARGENIO: Public hearing for TLC Daycare site plan on New York State Route 94 next to the Vails Gate Fire Department. This application proposes conversion of existing building to a daycare center. The application was previously reviewed at the 27 September, 2006 planning board meeting. Who's here to represent this?

Ms. Liz Torres and Ms. Joan Shedden appeared before the board for this proposal.

MR. ARGENIO: What we're going to do is the board is going to review it and if we have any questions, we'll ask them of you and after that we'll open it up to the public and the public can have a chance to comment then we'll close it up and we'll talk about it a little bit. But the question I have for you is and I don't remember the comments exactly what they were last time but I know that it was about a page and a half of comments and you're here again for a public hearing and there's still a page and a half of comments from the engineer. Do you have that information in front of you?

MR. BABCOCK: I just handed it to her.

MR. ARGENIO: Let me go through it briefly, I'm not going to dwell on any single item. The plan depicts 13 required parking spaces on the gravel and grass parking area, it's my understanding that the required parking area must be paved and that's the engineer's comments. The applicant previously indicated that the fence surrounding the play area is in need of repair, replacement or repairs are proposed, this is not indicated on the plan. Do you know why it is not indicated on the plan? I remember talking about the fence extensively and I remember Henry Scheible I think Joe too commented on how important the fence is because

you're on a state highway and that item has not been corrected in your current plan that we're looking at.

MS. SHEDDEN: Well, the existing or the fence that was there is gone and when there's approval to go forward then what needs to be there will be reconstructed according to the specifics because they're proposing to use just part of it for the playground area in the back of the building and fence on the front was, there was a question about it being a foot and a half closer on one side to the other. Well, the lay of the land and the way there's a hill there it runs down that way and the children are not going to be using that portion.

MR. ARGENIO: The point was that everybody agrees, yourself included, it's important to have a fence because you're going to have children out there. What we're asking for is if you could show specifically where the fence is going to go on the plans.

MS. SHEDDEN: There it is, it's there.

MS. TORRES: We just took, the fire department took this part out cause it was bad so we're going to redo this one.

MR. ARGENIO: So there's no fence there?

MS. TORRES: Everything else is fenced.

MR. ARGENIO: The piece of fence near the fire department is it in place now?

MS. SHEDDEN: It's done.

MR. ARGENIO: So you're going to put a new fence in that area?

MS. SHEDDEN: They're going to put a new fence.

MR. ARGENIO: Now the installation of that fence is certainly part of this application, so before you have your approval, they have to put that fence in, its shown on the plan now, the fence is shown on the plan, the fire department took the fence. Do you, Mike, help me with this, if I'm missing something here.

MR. BABCOCK: No but we would not allow them to use a neighbor's fence for their fence, the neighbor could take it down tomorrow.

MR. ARGENIO: Which the neighbor did.

MS. SHEDDEN: No, it was our fence.

MR. ARGENIO: It was your fence?

MS. SHEDDEN: Yes, we have been cooperating forever with the fire department and so forth, they wanted to take it down, there's always been a little issue of property on one side to the other and we have always had a mutual agreement and we continue to have because it's going to depend too on the Central Hudson service that they have there and also the hydrant that the state has there, so the fence is going to have to be in consideration of those landmarks and that will be done and the fire department is arranging that because it involves their property line as well as mine.

MR. ARGENIO: So the fence will be put back?

MS. SHEDDEN: Yes.

MR. SCHLESINGER: Technicality, whose fence is it?

MR. MINUTA: Mr. Chairman, the intent of this application is to have everything drawn on the plans as it will be, not as we think it's going to be, and what you're showing here you're showing a fence on the plan but you're showing the existing fence, you're not

showing where the new fence is.

MS. SHEDDEN: It will be in the same area, same thing.

MR. ARGENIO: You need to show the new fence in the location it's going to be installed.

MS. SHEDDEN: Yes.

MR. MINUTA: One other issue if those appurtenances such as a telephone pole, electric, what have you, are there, they should also be shown on the plan so we understand where they are as well if they are in the way of the existing--

MS. SHEDDEN: They're not on our property.

MR. MINUTA: They still should be shown, if they're not on your property than it won't affect the fence.

MS. SHEDDEN: Except where it goes over, okay, fine, then the fence will be in the same place as it is or was and it will simply--

MR. ARGENIO: Again, Mike, can we approve that with them showing the fence on two different pieces of property? I thought the intent was to get away from that.

MR. BABCOCK: No, I would not approve that.

MR. ARGENIO: I would not either, you need to show the fence that's going to choral your kids on your property, on your piece of property, that's what we need, need to show the fence. It's great that you're cooperating with the fire department, need to show that fence on your property. We went through this last time at the last meeting and unless I'm missing something, somebody correct me if I'm missing something here, Hank Scheible was the one who mentioned the fence, he was

very concerned about the kids and the fact that it straddled the property line and Mark is affirming, he's not here, but his note says as previously indicated the fence surrounding the play area, this is not the placement of the fence is not indicated on the plans as previously noted, this is a critical item since the fence for security is important and avoiding unauthorized departure of the children is equally important, that was a direct comment from Hank Scheible. I don't want to beat this to death, show the fence on your property where you're proposing to put the fence. The next item goes away with the previous item being addressed, it was the encroachment issue, where the fence is, some on the Vails Gate Fire Department, some on yours, if you show the fence on your property connected end to end I think that makes a lot of things go away. We previously indicated, previously indicated that the plans should indicate dimensions for parking spaces and aisles, this has not been done, as well the required detail for handicapped parking has not been added, detail of the handicapped requirements were my prior comments, I will not repeat the same, you need to show us a detail for the handicapped parking.

MS. SHEDDEN: Are they not there?

MR. BABCOCK: No, it's a detail on the side that shows how that's striped, where the sign is, how high the sign is, it's a detail of the spot.

MR. ARGENIO: That's state law for us what it shows that's a rendering of the handicapped parking on a plot plan, what he's referring to is a detail, is a blowup to the side which indicates the size of the handicapped.

MS. SHEDDEN: We weren't clear on that.

MR. ARGENIO: I'm trying to clarify the color of the

striping, sometimes they indicate the width of the stripe which is typically four inches, your engineer will know, it's in the town code, it's not very difficult to find, and usually a lot of architects and engineers they just plagiarize the town's drawing, I'm not advocating that for the record but that's what a lot of them do.

MR. MINUTA: As a point of reference, the sign itself will also need to be shown on the drawing.

MS. SHEDDEN: And the sign had previously been approved as it is because there's no change in anything.

MR. MINUTA: No, the parking space sign.

MR. ARGENIO: Where it says New York State Highway Route 94, do you see that, put your finger on that, for New York State, go right down a bit two inches down, right there, what's the revision date in that title block there?

MS. TORRES: July 31st.

MR. ARGENIO: I want to make sure we're looking at the same drawing as you. Okay, so there's the handicapped parking.

MR. BABCOCK: Mr. Chairman, not to beat this fence to death, but one of the things stated by Mr. Scheible also is the front fence is too close to the front sidewalk where somebody could reach over the fence and take, grab a kid. We don't even know what the height of that fence is. So they need to detail the height of the fence, if it's not high enough, they need to move the fence off the sidewalk onto their property farther so somebody just can't reach over, grab a kid and take off.

MR. ARGENIO: There is a code for that, Michael?

MR. BABCOCK: Well, I'm sure there's some type of code for it.

MR. ARGENIO: I think you have a good point.

MR. GALLAGHER: Our concern was that it's too close to the sidewalk, what's to prevent them from going up front?

MS. SHEDDEN: There's going to be a fence.

MR. GALLAGHER: We need to see that on the plan also.

MR. BABCOCK: Maybe if you put--

MR. ARGENIO: That goes away, believe me, we're trying to help, we're certainly trying to help, show that other fence and that forward issue might go away, it probably will.

MS. SHEDDEN: If someone would go down and stand on the sidewalk unless you have extremely long arms there's no way you can even reach the fence.

MR. ARGENIO: But that's not the issue, Mike, he's the code enforcement officer and if there's a code that says it has to be X or Y that's where he's going, that's where he's going, okay, that's good, the fence is good, that's a good thought. We previously requested that the applicant indicate the amount of disturbance to verify compliance with the Phase 2 storm water regulations, the applicant has noted no excavating on the site which is inappropriate. The plan should note the limits of the disturbance or other areas disturbed, that's right, it's inappropriate because--

MR. CORDISCO: If I may, it's more that--

MR. ARGENIO: I don't understand that.

MR. DENEGA: I'm looking for the note myself.

MR. BABCOCK: Well, that's the problem, you definitely have a different map than us.

MR. DENEGA: Do you see where it says it on your plan?

MR. ARGENIO: Yeah, I see it. My question Erik where is the excavating, where is the excavating?

MR. DENEGA: I think there's going to be some disturbance in the paving of the parking lot.

MR. BABCOCK: That's the only thing they're doing.

MR. DENEGA: That's all I can see but the fence work that's going to be minimal disturbance.

MR. ARGENIO: Paving of the parking lot, the plan that I'm looking at doesn't say they're paving the parking lot.

MS. SHEDDEN: It's already paved.

MR. ARGENIO: Says existing gravel and grass parking area.

MS. SHEDDEN: Up here it's already paved existing bituminous parking area.

MR. ARGENIO: I see that to the left of it says existing gravel and grass parking area.

MR. SCHLESINGER: To the left of your pinky has to be paved.

MR. ARGENIO: You can't have gravel parking in New Windsor.



MR. BABCOCK: No, has to be paved.

MR. SCHLESINGER: Needs to be paved and says existing.

MS. SHEDDEN: It says this is paved, this is not but it will be.

MR. BABCOCK: What it should say there is proposed new paved parking lot.

MS. SHEDDEN: Proposed.

MR. ARGENIO: Okay. Parking calculation is now on the plan, parking appears to comply with code requirements. The board should verify that they're satisfied with the turnaround configuration, this is a specific requirement for daycare centers. What's the specific requirement for turnaround in the Town of New Windsor code? Do we have a code for that, a specific code?

MR. BABCOCK: No, I think what they show is they're going to drive off the new proposed blacktop into the farther out into the graveled area turnaround and come back.

MR. ARGENIO: Tell you what we're going to do, I want to open this up, Neil, can you chew on that because we're going to have a minute to review it after the public hearing, I want to open this up to the public because I want to hear from them, there may be other things, we have covered a bit of ground here. On the 27th day of November, 2006, 48 addressed envelopes went out with notice of public hearing for this application. We're reviewing Torres Daycare site plan, if there's anybody in the room that would like to speak for or against or just have comments on this application, please raise your hand, be recognized and come forward please. Ma'am, state your name for Franny, our stenographer, and we'd certainly like to hear what you

have to say.

MS. EPSTEIN: Rita Epstein. I just have a question. Is the entire building being used for the daycare center?

MS. TORRES: No, just the part here.

MS. EPSTEIN: How do the children get upstairs?

MS. TORRES: There's three exits and there's front steps.

MS. EPSTEIN: So all the exits have steps?

MS. TORRES: Yes.

MS. EPSTEIN: How old are the children?

MS. TORRES: Three to five.

MS. EPSTEIN: How much square footage are you using?

MS. TORRES: I don't know about the square footage but I know it's going to be two classrooms and 13 kids in each side.

MS. SHEDDEN: 1,600 square feet.

MS. EPSTEIN: What about the other level?

MS. TORRES: Nothing.

MS. EPSTEIN: It's empty?

MS. TORRES: Yes.

MR. SCHLESINGER: Mike, is there any sort of code as far as a ramp?

MS. EPSTEIN: I didn't know.

MR. BABCOCK: I don't know all the details of that off the top of my head but depending on the children's age so on and so forth they may be required to put a ramp in here, I don't know if this is, I don't know whether Mark considered this a change of use or not.

MR. CORDISCO: He did not.

MR. BABCOCK: So if it is an existing use, they're not required to do it by State Code, they may be by the daycare license.

MS. TORRES: Daycare licensor went and approved and said just to come to the planning board and he was--

MR. BABCOCK: So if they had infants they'd have to have the ramp to roll the infants out. They're going to be subject to never having infants.

MR. ARGENIO: Anything else?

MS. EPSTEIN: Just that the steps themselves, the rise on the stairs because these are small children so my question is the rise on the stairs and the handrails like the double handrails and if the building is not handicapped accessible is that permitted?

MR. BABCOCK: Yes because it's an existing building.

MS. EPSTEIN: I would just question the stairs.

MR. BABCOCK: We'll look at that.

MR. ARGENIO: Thank you. Anybody else?

MR. DENEGA: Just to confirm Mark's comment number 1 does confirm that his last sentence, area variances are not required since the same use group is to continue

and the conditions are pre-existing, just reinforcing the fact that it is the same use.

MR. ARGENIO: Okay, inasmuch as there's no other hands being raised in the room, I'll accept a motion that we close the public hearing for the TLC Daycare Center.

MR. SCHLESINGER: So moved.

MR. MINUTA: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public hearing for TLC Daycare Center site plan. If there's no further discussion, roll call.

ROLL CALL

MR. GALLAGHER	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: Ma'am, did you give any consideration to the reaction of the children when the siren goes off at the Vails Gate Firehouse?

MS. TORRES: Yes, actually, we have been there and we heard it and I think they will be fine, it wasn't that loud and when it rings, I think it's 12 o'clock and 5 o'clock, I know that we were always doing music, it's going to be lunchtime, so I don't think there's going to be any issues.

MR. ARGENIO: Okay, understand that they're an operating fire department that has operated there for many, many years and they supply vital service to the town and I certainly don't want to, I would be very disappointed to see you folks a year from now telling

me about the siren or some such thing like that. I'm going to be very frank with you, you have got to fix the plans, you have got to get them cleaned up and I'm disappointed that I don't know if any changes were made from last time to this time, I don't know, but there's stuff here on my comment sheets that I specifically remember people in this room asking to clean up, so please get them cleaned up and we'll certainly move this thing forward. I want to just throw this out at the other members, what about the turnaround, Mike, can you give me some feedback about the other daycare centers? Joe, do you have any thoughts?

MR. BABCOCK: I mean it's not necessary that you even have a turnaround, they're saying, I mean, if they pull into a parking spot, turn around and back out, what I said last time at the last meeting, what about school buses and they assured me no school buses on private property.

MR. ARGENIO: How many students?

MR. BABCOCK: We're talking 32, right?

MS. TORRES: Yes.

MR. ARGENIO: Could be 32 cars.

MR. DENECA: Yeah, it's my impression from Mark's comment that there's special intention, they're assuming that kids are going to be constantly dropped off and cars are constantly turning around, but like Mike says, no school buses, not sure if the code--

MR. ARGENIO: We can discount that Erik based on what they said is that a fact that it's a rolling thing with the kids they come in and they go out.

MS. TORRES: Yes.

MR. BABCOCK: If they're meeting the parking code and they do have this graveled area for extra it cannot hurt, especially I don't think there's a daycare around that doesn't have, when they have all the grandparents come and they have a Halloween party, it's gonna happen, so I think they're even it's making it better, maybe just take that word turnaround area parking and take it off there.

MR. ARGENIO: I don't think I have a problem with that.

MR. BABCOCK: No, I don't think I do either.

MR. SCHLESINGER: I'd like to know how that area is going to be cleaned up, I mean, if I picture in my mind now it's like overgrown, if it's going to be used for an area, even though it's not required, you still want to make it practical.

MR. ARGENIO: What are you talking about?

MR. SCHLESINGER: This area behind the post office, right, and just picture in my mind even if I'm wrong if this area is going to be used for something then make it usable.

MR. ARGENIO: I don't think it's proposed to be used for anything.

MR. BABCOCK: It's not.

MR. SCHLESINGER: So there's no turnaround area?

MR. BABCOCK: I would say forget about the turnaround area, it's a grassed area that's got gravel.

MR. SCHLESINGER: Don't open Pandora's box, just take off turnaround area.

MR. ARGENIO: I just want clarity on this one thing

we're talking about the existing gravel and grass parking area, does our code require it to be paved?

MR. BABCOCK: Yes.

MR. ARGENIO: It does, I want to be clear about that.

MR. BABCOCK: Yes.

MR. ARGENIO: You have to, that overflow parking existing gravel and grass park area when you come back to us correct that, that's got to be shown as proposed paved parking area. Joe, go ahead.

MR. MINUTA: Just a couple points. I think you already hit on it but to reiterate we have a survey and not a plan for a development of a piece of property, there's no lighting plan, there's no dumpster location, there's so much missing from this it's hard to comment. We have made the commentary here we're trying to work with you but you really need a set of plans that we understand what's going to happen and that's not being done. With regard to the turnaround, you'll need a turnaround of some sort because how do you drive a car into a dead-end parking area without being able to turn around, that's what the turnaround is about, so what you have here what will basically happen you'll pull into a parking space, you'll be able to back the car into what should be a five foot backup section and come back out, that's fine, I understand that but that needs also to be, the parking area needs to be dimensioned all these items need to be.

MR. ARGENIO: Yeah, I don't want to seem like you're getting beat up, please don't take it that way, I can see the look on your face, please don't take it that way but from where we're sitting there's codes, we cannot make exceptions, it's the law and these are things that we certainly are not asking of you that we wouldn't ask of somebody else. Please, I'm begging

you, take a copy of Mark's comments, take heed on the commentary we gave you tonight and/or today or tonight and incorporate that into your plans and get to Mike, get to a workshop, Mike will review it and we'll get the thing moving in the right direction. That's our intent, our intent certainly is not to hold you off but this planning board has a reputation of doing things right and we're not going to break it, it has to be done right.

MS. SHEDDEN: Nobody wants you to but again we were given the comments tonight so it was very hard for us to address them.

MR. ARGENIO: I understand, please don't think that we're beating you up cause I'm not, these are things that need to be taken care of, there's nothing here that's any huge, heavy lifting, a lot of the things that we gave to you tonight are pretty standard stuff, there's no anomalies here, so if you get with your engineer, get these details tied down get to Mike and Mark get on a workshop and I'll put you on the agenda following that workshop, if I'm the chairman next year, who knows, hopefully the chairman next year will put you on the next agenda.

MR. BABCOCK: Is your engineer going to the workshop or are you guys--

MS. TORRES: No.

MR. BABCOCK: These ladies are trying to do a good job, they're not familiar with these rules and regulations and so they're trying to do their best. What they really need to do I think some things being lost between them trying to explain to their engineer and their engineer putting on the plan.

MR. ARGENIO: What you do is you give this information to your engineer, give him Mark's comments, give him



stuff that you drew on the plan, spend the money, have your engineer go to the workshop and you'll get on the right track, I'm sure of it.

MS. SHEDDEN: I'm disappointed in this because he had the lighting and landscaping and this came back stripped down with the other things so I'm a little frustrated too.

MR. ARGENIO: We'll move you along, I promise you that if I can.

MR. CORDISCO: Mr. Chairman, two quick comments, one we did have to refer to this to Orange County Planning, we did get a response back where they recommended approval of the application, however, given the number of clean-up items that have been discussing, I'd recommend that you hold the public hearing open until the revised plans come in.

MR. ARGENIO: Dominic, I'm going to go against you unless you tell me I'm breaking the law and the reason I'm going to go against you on it is because Mrs. Epstein is the one who spoke and I know Mrs. Epstein from prior applications here and if we had a houseful here I would do that, if we had a houseful and Mark and I spoke about just what you're saying and if we had a houseful I would certainly do that but if Mrs. Epstein comes to the next meeting when these folks are here and she has something additional she wants to offer beyond what she offered tonight, I will allow her to speak so I don't think we need to get into that.

MR. CORDISCO: That is not my concern, my concern is that once you close the public hearing, you kick in mandatory timeframe to make a decision on the application. You have 62 days and I'd hate to see them have to, the board have to deny an application because revisions haven't been made within that time.

MR. ARGENIO: I'll accept a motion we table the public hearing.

MR. GALLAGHER: So moved.

MR. MINUTA: Second it.

MR. CORDISCO: Applicant could waive that requirement.

MR. ARGENIO: Let's not get hung up on things, Mrs. Epstein has something to say.

MRS. EPSTEIN: I just had a question, does the planning board consider also the question of saturation of daycares within a 3 mile radius?

MR. ARGENIO: I bet you wish we do but we don't, that's against the law.

MS. EPSTEIN: I just wanted to know if that was part of it.

MR. ARGENIO: That's how I feel about that.

MR. CORDISCO: Okay.

MR. BABCOCK: Ask to waive their time limits.

MR. ARGENIO: Would you explain that to them?

MR. CORDISCO: Yes, under the law once a public hearing is closed, the board is supposed to render a decision within 62 days. As Erik pointed out, that could be waived by you and I think it should be given the fact that there's going to be a resubmission.

MS. SHEDDEN: Yes and we'll get our engineer in gear.

MR. SCHLESINGER: We need you have to request--

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MS. SHEDDEN: Yes.

MR. ARGENIO: She accepts the 62 days.

TLC\_DAYCARE\_CENTER\_-\_DISCUSSION

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MR. SCHLESINGER: In regards to the TLC Daycare Center in the notes somewhere it said something as the same use group.

MR. BABCOCK: Yes.

MR. SCHLESINGER: What does that mean?

MR. BABCOCK: It's the same use, it's not a change of use.

MR. SCHLESINGER: In other words, a daycare center falls into the category of--

MR. BABCOCK: Of professional services.

MR. SCHLESINGER: What was that building used for before?

MR. BABCOCK: It was a beauty school.

MR. MINUTA: It's an educational occupancy.

MR. SCHLESINGER: Being now that you're dealing with daycare people, three years old, five years old, still falls into the same category?

MR. BABCOCK: Yes.

MR. SCHLESINGER: Okay.

MR. BABCOCK: It's for zoning.

MR. SCHLESINGER: I understand that.

MR. BABCOCK: Not for regulations.

MR. SCHLESINGER: We're not concerned about somebody

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who's 25 years old going to beauty school and having somebody grab over and reach over a fence.

MR. BABCOCK: Yes.

MR. SCHLESINGER: Now I understand that but it bothered me that it said it was in the same use group, whereas I think that a daycare center should be in a category of its own.

MR. BABCOCK: Daycare centers is educational, it's group educational.

MR. SCHLESINGER: We're more sensitive to a daycare center than we are to a beauty school.

**PLANNING BOARD: TOWN OF NEW WINDSOR  
COUNTY OF ORANGE: STATE OF NEW YORK**

-----X

In the Matter of the Application for Site Plan / Special Permit for:

**TLC DAYCARE P. B. #06-26**

Applicant

**AFFIDAVIT OF  
SERVICE  
BY MAIL**

STATE OF NEW YORK )

) SS:

COUNTY OF ORANGE )

MYRA L. MASON, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 67 Bethlehem Road, New Windsor, NY 12553.

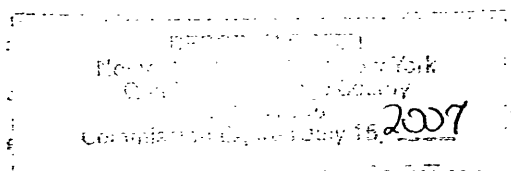
That on the **27TH** day of NOVEMBER, 2006, I compared the (40) addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Sworn to before me this

Myra L. Mason  
Myra L. Mason, Secretary

13<sup>th</sup> day of December, 2006

Deborah Green  
Notary Public



**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **DECEMBER 13<sup>TH</sup>, 2006** at 7:30 P.M. on the approval of the proposed Site Plan and Special Permit for **TLC DAYCARE CENTER (TORRES)** **(06-26) RT. 94 Proposed daycare center.**

Located at **RT. 94** (Tax Map #Section **65**, Block **2**, Lot **23**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: 11/14/06 \_\_\_\_\_

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-3101

## Assessors Office

November 7, 2006

Aida Torres  
111 Main St.  
Cornwall, NY 12518

Re: 65-2-23                      P.B. #: 06-26 (40)

Dear Ms. Torres:

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$55.00 minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

J. Todd Wiley, IAO  
Sole Assessor

JTW/rah  
Attachments

CC: Myra Mason, Zoning Board



70-1-2.1  
HOUSE OF APACHE PROPER.  
C/O HERBERT SLEPOY  
104 S. CENTRAL AVE.  
VALLEY STREAM, NY 11580

70-1-2.21  
4 ACRES, LLC  
104 S. CENTRAL AVE.  
VALLEY STREAM, NY 11580

70-1-3, 5, 65-2-21,22  
MANS BROTHERS REALTY  
P.O. BOX 247  
VAILS GATE, NY 12584

70-1-4  
GREGORY GREER  
193 AZALEA POINT DR. SO.  
PONTE VEDRA BEACH, FL  
32082

70-1-6, 7  
GOETZE PROPERTIES, LLC  
2084 BOSTON PROST RD.  
LARCHMONT, NY 10538

70-1-8  
LORENE WREFORD  
16 MARSHALL DR.  
NEW WINDSOR, NY 12553

70-1-9  
NANCY DRISCOLL  
18 MARSHALL DR.  
NEW WINDSOR, NY 12553

70-1-10  
VANESSA, ENA &  
VALENCIA EDWARDS  
4 HOWARD DR.  
NEWBURGH, NY 12550

70-1-11  
FRANCIS CASS  
22 MARSHALL DR.  
NEW WINDSOR, NY 12553

70-1-12  
BRIAN ABRAMS  
PO BOX 462  
VAILS GATE, NY 12584

70-1-12  
BRIAN ABRAMS  
PO BOX 462  
VAILS GATE, NY 12584

70-1-13  
KEVIN & EILEEN SECKERSON  
4 TRUEX DR.  
NEW WINDSOR, NY 12553

70-1-14  
CHRISTOPHER &  
DEBORAH SMITH  
6 TRUEX DR.  
NEW WINDSOR, NY 12553

70-1-15.1  
EDWARD & JOANN LEKIS  
PO BOX 204  
VAILS GATE, NY 12584

70-1-15.2  
JOHN & DETRA DENTON  
10 TRUEX DR.  
NEW WINDSOR, NY 12553

70-1-40  
MICHAEL &  
YVETTA THOMPSON  
7 MARSHALL DR.  
NEW WINDSOR, NY 12553

70-1-41  
JUAN & LAURA EIRAS  
5 MARSHALL DR.  
NEW WINDSOR, NY 12553

70-1-42, 43  
BENJAMIN & BELLA HARRIS  
PO BOX 780  
CORNWALL, NY 12518

70-1-44  
CONSTANTINO DE SOUSA  
PO BOX 4266  
NEW WINDSOR, NY 12553

70-1-45  
ALLYN BURTON  
833 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

70-1-46.5  
KNOX VILLAGE ASSOC.  
835 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

70-4-1  
DENISE BEDELL  
PO BOX 535  
VAILS GATE, NY 12584

69-2-5  
R&S FOODS INC.  
249 NORTH CRAIG ST.  
PITTSBURGH, PA. 15213

69-2-6  
R&S FOODS INC.  
C/O RASH & ASSOC.  
PO BOX 260888  
PLANO, TX 75026

69-2-7  
NYS DEPT. OF TRANS.  
OFFICE OF ST. COMPTROLLER  
A.E SMITH BUILDING  
ALBANY, NY 12236

69-2-8  
MCB PARTNERSHIP  
521 GREEN RIDGE ST.  
SCRANTON, PA 18509

69-2-9  
PRIMAVERA PROPERTIES INC.  
PO BOX 177  
VAILS GATE, NY 12584

69-3-2.1  
TGS ASSOCIATES INC.  
83 APLE RING RD.  
RED HOOK, NY 12571

69-3-5  
S&S PROPERTIES INC.  
PO BOX 206  
HIGHLAND MILLS, NY 10930

69-3-6  
AM MART INC.  
275 BRANDYWINE DR.  
ORANGEBURG, NY 10962

65-2-12.1  
WVR REAL ESTATE II LLC  
162-5 NORTH MAIN ST.  
FLORIDA, NY 10921

65-2-16.1  
LIZZIE REALTY LLC  
24 DUNNING RD.  
MIDDLETOWN, NY 10940

65-2-20  
NORSTAR BK. OF UPSTATE NY  
C/O BANK OF AM. NC1-001-03-81  
101 N. TRYON ST.  
CHARLOTTE, NC 28255

65-2-24  
RJM REALTY GROUP, LLC  
9 HAWTHORNE PLACE #2  
BOSTON, MA 02114

65-2-5.11  
393 WINDSOR LLC  
1833 NORSTRAND AVE. CORP.  
R.E. TAX DEPT. STORE 159  
3195 HARRISBURG, PA 17105

65-2-5.2, 28  
THE VAILS GATE FIRE CO.  
P.O. BOX 101  
VAILS GATE, NY 12584

65-2-26, 27  
VAILS GATE METHODIST CEM.  
P.O. BOX 37  
VAILS GATE, NY 12584

65-2-29  
BOUYEA KING SORBELLO  
C/O ROBERT BOUYEA  
505 NORTH RIVERSIDE RD.  
HIGHLAND, NY 12528

65-2-33.5  
833 BLOOMING GROVE TPKE.  
833 BLOOMING GROVE TPKE.  
NEW WINDSOR, NY 12553

65-2-34  
CRE JV MIXED FIVE NY  
C/O FIRST STATES MAN CORP.  
680 OLD YORK RD.  
JENKINTOWN, PA 19046

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/21/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**ESCROW**

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/18/2006	REC. CK. #1458	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

*[Handwritten signature]*  
5/22/06

**Town of New Windsor**  
**555 Union Avenue**  
**New Windsor, NY 12553**  
**(845) 563-4611**

**RECEIPT**  
**#762-2006**

09/22/2006

Torres, Aida

Received \$ 125.00 for Planning Board Fees, on 09/22/2006. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

PB# 06-26

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#763-2006**

09/22/2006

Torres, Aida

Received \$ 250.00 for Planning Board Fees, on 09/22/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

PB# 06-26 Sj Permit

**TOWN OF NEW WINDSOR**  
**REQUEST FOR NOTIFICATION LIST**

CHECKED BY MYRA: 10-27-06 mm

DATE: 10-27-06 PROJECT NUMBER: ZBA# \_\_\_\_\_ P.B. # 06-26

APPLICANT NAME: AIDA TORRES

PERSON TO NOTIFY TO PICK UP LIST:

AIDA TORRES  
111 MAIN STREET  
CORNWALL, NY 12518

TELEPHONE: 534-4843

TAX MAP NUMBER: SEC. 65 BLOCK 2 LOT 23  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: Rt. 94 (former beauty school )  
Vails Gate, NY

LIST OF PROPERTY OWNERS WITHIN 500 FT. FOR SITE PLANS/SUBDIVISION \_\_\_\_\_  
(IS NOT PREPARED ON LABELS)

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XXX

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) \_\_\_\_\_

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) XXX

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) \_\_\_\_\_

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

NEW WINDSOR ZONING BOARD \_\_\_\_\_

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT \_\_\_\_\_

❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖ ❖

AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1489

TOTAL CHARGES: \_\_\_\_\_

September 27, 2006

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REGULAR\_ITEMS:

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TLC\_DAYCARE\_CENTER\_SITE\_PLAN\_(06-26)

---

Ms. Torres appeared before the board for this proposal.

MR. ARGENIO: This application proposes conversion of the existing building to a daycare center. The application was reviewed on a concept basis only. This is the first time we're seeing this so please step forward if you can hang your plan on the board there and we'll review it. This property for the benefit of the members I think is adjacent to the fire company just south of the Vails Gate firehouse near Manns Brothers. What was this before, it's the old beauty school?

MR. SCHEIBLE: Formally a one room school house.

MR. ARGENIO: When you were a boy?

MR. SCHEIBLE: That's right.

MR. ARGENIO: Tell us about it.

MS. TORRES: I just want to give you the proxy, this is Joan and she's the owner and I don't think you guys had a proxy. Pretty much the building is perfect as it is, you know, for what we want it and we would only be using the top level and we're planning to put the sign as you can see here and the entrance would be this way and there's already a lot of gravel for parking area and we were thinking of putting, I think everybody has a copy of this with the updated, there should be 12 spots with a dropoff area and handicapped area and then shows the location of the sign for the front of the building.

MR. ARGENIO: Is it your intent to pave the parking lot? You have little kids here.

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MS. TORRES: Yes, most of it is already paved but I'm thinking of extending it even more.

MR. ARGENIO: Well, the plans show that so if we're looking at those plans that's something you're going to need to do as part of this approval.

MS. TORRES: Yes.

MS. PAESE: The part that's paved is already paved.

MR. ARGENIO: Says existing gravel and grass is what it says, my plan says that to the left.

MS. PAESE: Existing bituminous parking area.

MR. ARGENIO: The area to the left where the parking stalls are you're going to pave that?

MS. TORRES: Yes.

MR. ARGENIO: You should make sure that the plans clearly indicate that that's to be paved and make sure that there's a detail, we have one sheet here, I don't see a paving detail, make sure you include a detail of the paving that you're going to do. One of the comments that I have here from the Town engineer and again this is a requirement of all applicants a parking calculation has not been added to the plan, should be added to the next submittal, parking calculation it indicates the use that you have the required parking.

MS. PAESE: It should have been because when we met prior to this they had said that there was one space required for five students and the staff which would be three and we included 12 just to be on the upside of that.

MR. ARGENIO: Okay, that information that you just said



to me needs to be enunciated in black and white on the plan, what's required and what you're providing. Do you have a copy of the comments? Eric, can you give them to her? Tell me about, can you tell me about the fence that surrounds the property?

MS. PAESE: Yes, the fence that surrounds the property, the portion near the firehouse has as you can see here there was when my father arranged this with them there's a three foot spot here that's our property that the fence is on the inside and there's a four foot piece there sort of annexed. I have spoken with the fire company and they would like to remove the fence that's there and then we would remove the rest of the additional fencing and replace it all.

MR. ARGENIO: When you do that certainly want two things, one indicate on the plan that that's what's gonna happen and indicate the new fence location as being obviously on your property, that would probably be a good thing and that would avoid any future legal issue if the management of the fire department changes or some such thing, most of those guys are pretty good guys but you just never know. I'm going to mention to you as well Eric from McGoe, Hauser & Edsall gave you a copy of Mr. Edsall's comments, I want to draw your attention to item number 3, I'm not going to read it but the sum and substance of it is that there's a specific detail that the building inspector requires and the Town requires for the handicapped and if you could have your engineer illustrate that detail on the plan it would be of great help to everybody, I think as it certainly will be a requirement. I will ask my other members here does anybody have any other comments here? Paving we've talked about.

MR. MINUTA: Is there a dumpster location?

MS. PAESE: Not at this time.

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MR. ARGENIO: Do you have a dumpster?

MS. PAESE: We had one and it was sent back because we weren't using it, where it was located was in back of the building on a spot of the pavement that they could just back up, pick it up and take it.

MR. ARGENIO: So you will have a dumpster?

MS. PAESE: If it's something that's needed we'll have it.

MR. ARGENIO: Well, it's not needed by us, if it's needed by you folks, here's where I think Mr. Minuta is going with that. Typically, what we try to do in the interest of beautifying our Town and keeping it neat and presentable if you do need a dumpster you should try to plan to show a detail of some sort of some type of enclosure to put around it and typically what Joe Minuta looks for, I don't want to speak for him, is some architecture that's similar to the building. So if you have wood on your building, maybe some type of wood type dumpster enclosure with bollards, B-O-L-L-A-R-D-S to protect it from the garbage trucks, but if you don't need a dumpster for your place, it's going to be curb side pickup, it's not an issue. Is that correct?

MR. BABCOCK: Not unless this board requires it.

MR. ARGENIO: No, I don't think so.

MR. BABCOCK: I think that there probably is times that they're going to have some but if they want to do it with pails that's fine too, I don't know what they--

MS. PAESE: We don't anticipate any tremendous amount of waste.

MS. TORRES: Should be art supplies and snacks and the

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lunch daily.

MR. ARGENIO: How many kids?

MS. TORRES: It's going to hopefully be 15 on one side and 15 on the other but no more than 30, I'm going to say 1 through 30.

MR. MINUTA: Based on the load, I would think that there would be, I haven't seen a daycare center without, my suggestion would be if you're going to do, we might make it contingent upon them should they have a dumpster in the future that then it have an enclosure.

MR. ARGENIO: That will be part of the record, if you do have a dumpster and needs to be in some type of an enclosure and that's not three sticks and a rope, it's some type of fence. You guys laugh.

MS. PAESE: We do only because we're not--

MR. ARGENIO: No, you'd be amazed at the things Mike Babcock has seen people attempt to do.

MR. MINUTA: If it's not used regardless of whether it will be used or not we should still at least locate a spot on the plan so that we know where it should be if it's located. And the other question that I have with regard to the fence, what type is that?

MS. PAESE: Chain link standard four foot whatever.

MR. ARGENIO: We have no comment anywhere relative to DOT and we're on a state highway, I don't have an issue with it, go ahead, but I'm going to look to the table in front of me to comment on that.

MR. BABCOCK: We believe that the entrance is already there existing and that they're not changing it so they

wouldn't need to go to DOT, that's what our thoughts were.

MS. PAESE: Yeah, DOT put it in when we got the curb cut.

MR. BABCOCK: Well, every use if this was a change of use, a restaurant, you may need a different type of entrance and that's what the chairman was talking about and I think something it's up to the board but we didn't feel in-house that you're changing anything so you wouldn't have to change that.

MR. ARGENIO: I agree with that.

MR. DENEGA: Mark was in the meeting with you during that discussion so Mark I know agreed with that as well.

MR. ARGENIO: DOT just you never know. I want to also, ma'am, direct your attention to item number 7, I will read this to you. The applicant should determine the area of disturbance in acreage related to the project such that a determination can be made as to the submittal requirements of the storm water pollution prevention regulations, you should direct that comment to your engineer and he will know what to do, where that, what they're looking for is in layman's terms how much are you disturbing and are you over certain thresholds because you have to put certain erosion control measures in, for instance, silt fence and things of that nature. Your engineer will know what to do with that.

MR. DENEGA: If you're an acre or more then those requirements will kick in but if you're less than an acre then--

MR. ARGENIO: Seems to me you're probably under the acre.

MR. DENEGA: Looks like it's less.

MR. BABCOCK: Just have to state that.

MR. ARGENIO: I'd like to go through a couple of procedural things here. It's my understanding that there are no, I'm reading from Mark's comments, Franny, no outside agencies requesting to review this plan. As such, there is who reason we can't assume lead agency under the SEQRA process if we see fit. Somebody address that? I'll accept a motion to that effect.

MR. GALLAGHER: So moved.

MR. SCHEIBLE: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board assume lead agency under the SEQRA process. No further discussion, roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: This is a special use permit, ma'am, so public hearing is mandatory on this.

MS. PAESE: Continuance of a, it's a continuance.

MR. ARGENIO: Right. Dominic, do I need that in the form of a motion to schedule the public hearing, the mandatory public hearing?

MR. CORDISCO: Yes.

MR. ARGENIO: I'll accept that motion.

MR. MINUTA: So moved.

MR. GALLAGHER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board schedule the public hearing for the TLC Daycare Center site plan. If there's no further discussion, roll call.

ROLL CALL

MR. SCHEIBLE	AYE
MR. BROWN	AYE
MR. MINUTA	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE

MR. ARGENIO: We're compelled to forward your plan to the Orange County Planning Department who will give us some feedback because it's within 500 feet of New York State Route 94 and Myra would you do that please?

MS. MASON: Yes.

MR. ARGENIO: Does anybody have anything else?

MR. SCHEIBLE: Just curious, I worry about little children, these are what age groups?

MS. TORRES: Three to five.

MR. SCHEIBLE: Young children, I'm looking at the fence, seems you're going to be replacing the fence that's there already, right?

MS. TORRES: Right.

MR. SCHEIBLE: Are you going to have any further setback away from the highway? Little kids love to walk up to a fence and stare at cars. I'd just like to set it back away from the highway, you know, leave a little vacant space in between the highway and the fencing, that's my feeling.

MS. PAESE: Well, there's a space now, there's a sidewalk and then there's a space on the other side of the sidewalk and there will be no gate in the front.

MR. SCHEIBLE: How close to the sidewalk is the fence?

MS. PAESE: Four feet.

MR. SCHEIBLE: It's four feet, just curious.

MR. ARGENIO: That's a good thought, they have, and as she said, they have it there and I think that's--

MR. MINUTA: Are you thinking it's too close to the road as it exists or--

MR. SCHEIBLE: Well, I know there's a sidewalk in between, right, sidewalk seems to take up enough room, just leave a little vacant space.

MS. PAESE: There is.

MR. SCHEIBLE: You say there's a four foot vacant space, seems to narrow it down as you go down the bottom part here.

MS. PAESE: Towards the firehouse?

MR. SCHEIBLE: No, towards Manns it narrows down from the sidewalk.

MR. MINUTA: It's narrowing down as we come down the page it's wider near the house and it gets narrow.

MS. PAESE: Since we're replacing it, that's simple.

MR. ARGENIO: Why don't you do this, ma'am, why don't you, the lower part of the page you see how far you are away from the property line, see that distance there between the fence and the property line, why don't you on the bottom that distance there try to keep that distance the whole way up to the firehouse when you put the new fence in, give you a couple three feet in there, okay?

MS. PAESE: Okay.

MR. ARGENIO: Is that what you're trying to achieve?

MR. SCHEIBLE: That's what I'm trying to achieve, basically.

MR. BROWN: I just have a question on we're planning to add more parking on the existing gravel and grass area?

MS. PAESE: Actually, the grass has grown into the gravel but it is, it had Item 4 put on it year after year after year so it's very solid, it's not at all soft.

MR. BROWN: That's not the point I was trying to make. If you're going to use it for parking, is there going to be additional lighting for that area?

MS. PAESE: There's lighting now.

MR. BROWN: Only shows on the building but as you go farther off how much would illuminate that particular area?

MS. PAESE: It is illuminated because on the back of the building there's this light and then there's a Central Hudson light on the other side.



September 27, 2006

13

MR. ARGENIO: When you have your engineer clean up the things that we discuss here, you need to show those lights on the plan. Howard wouldn't be asking the question if he saw it there, I'm sure.

MR. SCHEIBLE: That's a good point, especially in the wintertime when the kids are being picked up it will be after dark.

MR. ARGENIO: Good idea.

MR. MINUTA: Nothing.

MR. GALLAGHER: Nothing else.

MR. ARGENIO: Is there any, am I missing anything, Dominic? I don't think we can go further.

MR. CORDISCO: That's correct, it does need to go to the County Planning Department, it would be my recommendation that you refer to the County Planning Department the revised plan because some of Mark's comments and the board's comments require revisions to the plan and I think those things would be picked up by the county as well and in order to avoid a negative report from the county, it's best that they see the plan that's as revised before the board and that may affect--

MR. ARGENIO: I agree with that. Why don't you make the corrections that you need to make, we'll get those plans to Myra, she'll get them out to the County. Thank you, ma'am.

MS. TORRES: Thank you.



RESULTS OF P.B. MEETING OF: September 27, 2006

PROJECT: TLC Daycare P.B. # 06-26

**LEAD AGENCY:**

**NEGATIVE DEC:**

AUTHORIZE COORD. LETTER: Y ☐ N ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐

TAKE LEAD AGENCY: Y ☒ N ☐

CARRIED: Y ☐ N ☐

M) G S) Sch VOTE: A 5 N 0

CARRIED: Y ☒ N ☐

PUBLIC HEARING: WAIVED: ☐ CLOSED: ☐ Special Permit

M) M S) G VOTE: A 5 N 0

SCHEDULE P.H.: Y ☒ N ☐

500'  
List

SEND TO O.C. PLANNING: Y ☒ - Revised Plan to be sent

SEND TO DEPT. OF TRANSPORTATION: Y ☐

REFER TO Z.B.A.: M) ☐ S) ☐ VOTE: A ☐ N ☐

RETURN TO WORK SHOP: Y ☐ N ☐

**APPROVAL:**

M) ☐ S) ☐ VOTE: A ☐ N ☐ APPROVED: ☐

NEED NEW PLANS: Y ☐ N ☐

**CONDITIONS - NOTES:**

Parking areas to be paved + shown on the plan

Parking Calculations

Fence to be removed and replaced to correct encroachment

Need handicap parking detail

No changes to be made to curbing - No D.O.T. Review Needed

Need SWPPP

Barrier to be set back in front by Roadway

Need lights on plan



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**

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WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

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**WRITER'S E-MAIL ADDRESS:**  
**MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** TLC (TORRES) DAY CARE SITE PLAN  
**PROJECT LOCATION:** NYS ROUTE 94 (JUST EAST OF FIVE CORNERS)  
SECTION 65 – BLOCK 2 – LOT 23  
**PROJECT NUMBER:** 06-26  
**DATE:** 27 SEPTEMBER 2006  
**DESCRIPTION:** THE APPLICATION PROPOSES THE CONVERSION OF THE  
EXISTING BUILDING TO A DAY CARE CENTER. THE APPLICATION  
WAS REVIEWED ON A CONCEPT BASIS ONLY.

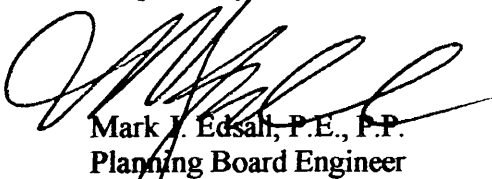
1. The building was previously (reportedly) used as a school, and is now proposed as a day care facility. The property is in the "C" zoning district, The former use and proposed use are both classified as use B-6 (as per the Zoning Officer). The existing lot has existing non-conformities. The Zoning Officer has advised that area variances are not required for the application, since the same use group is to continue, and the conditions are pre-existing. The use is a Special Permit Use.
2. I have reviewed this initial plan and have the following comments:
  - A parking calculation has not yet been added to the plan. This should be added to the next submittal.
  - The applicant has proposed a layout where primary and alternate turnarounds are available, following drop-off of the children at the side (westerly) door. The Board should review this proposal with the applicant.
  - The applicant should depict additional paving to serve the handicapped space cross-hatched access aisle. A ramp is shown at the entrance to the building.
  - The Board should also note that the entire existing parking lot is *not* paved. The Board should determine if this will be required.

**REGIONAL OFFICES**

• 111 WHEATFIELD DRIVE – SUITE ONE • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- The applicant has indicated that the fence surrounding the play area is in need of repair. This is a critical item, since the integrity of the fence for security is important, and avoiding unauthorized departure of the children is equally important.
  - The fence has an encroachment in "both directions" along the lands of the Vails Gate Fire District. The applicant advises there is a long-standing verbal understanding between the two landowners. The Board may wish to discuss this matter with the applicant.
  - The plan should indicate dimensions for parking spaces and aisles. (also see next numbered comment regarding handicapped spaces.
3. Pursuant to a policy memorandum dated 23 February 1989 from the Town Building Inspector, a complete detail for the handicapped parking space and associated sign(s) should be provided on the plans. Note the following typical requirements:
- All striping for the handicapped space must be blue. When a standard space adjoins a handicapped space, a double line should be installed, one blue, one white.
  - The handicapped parking space cross-hatched access lane and the parking spaces should be eight (8) foot in width.
  - Per new code requirements, a sign is required in front of the cross-hatched access lane of the handicapped parking space. The sign must read "No Parking - Any Time".
4. It is my understanding there are no outside agencies which must approve this site plan. As such, the Board could formally assume the position of Lead Agency under SEQRA.
5. The Planning Board should consider authorizing the mandatory Public Hearing for this Special Permit use, per the requirements of Section 300-87 of the Town Zoning Local Law.
6. This project is within a 500-foot distance from NYS Route 94 (a State Highway) and, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).
7. The applicant should determine the area of disturbance (in acres) related to the project, such that a determination can be made as to the submittal requirements of the Stormwater Pollution Prevention regulations.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

MJE/st  
NW06-26-27Sept06

# ORANGE COUNTY DEPARTMENT OF PLANNING

124 Main Street  
Goshen, NY 10924-2124

## **APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION**

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. **06-26** (Please include this number on any correspondence)

1. Municipality **Town of New Windsor** Public Hearing Date: **not set**

City, Town or Village Board \_\_\_\_\_ Planning Board **X** Zoning Board \_\_\_\_\_

2. Owner: Name: **Joan Paese**  
Address: **27 Waterway, Newburgh, NY 12550**

3. Applicant \* Name: **TLC Day Care, Aida Torres**  
Address: **111 Main Street, Cornwall, NY 12518**

**\*If applicant is owner, leave blank**

4. Location of Site: **NYS Route 94 (just east of Five Corners)**  
(Street or highway, plus nearest intersection)

Tax Map Identification: Section: **65** Block: **2** Lot: **23**

Present Zoning District: **C** Size of Parcel: **1.4 +/- Acres**

5. Type of Review:

### **\*\*\*Site Plan**

Zone Change: From **--** To: **--**

Zoning Amendment: To Section \_\_\_\_\_

\*\*Subdivision: Number of Lots/Units \_\_\_\_\_

\*\*\*Site Plan: Use **Day Care Facility**

Date: **10-27-06**

Signature & Title: \_\_\_\_\_

**Mark J. Edsall, P.E.,  
Planning Board Engineer**

*Sent 10/27/06*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/27/2006

PAGE: 1

LISTING OF PLANNING BOARD **AGENCY APPROVALS**

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
ORIG	09/18/2006	MUNICIPAL HIGHWAY	9/25/06	Approved
ORIG	09/18/2006	MUNICIPAL WATER	/ /	
ORIG	09/18/2006	MUNICIPAL SEWER	/ /	
ORIG	09/18/2006	MUNICIPAL FIRE ✓	09/25/2006	APPROVED
ORIG	09/18/2006	NYS DOT	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/27/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]  
O [Disap, Appr]

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
09/06/2006	WORK SHOP	SUBMIT
08/02/2006	WORK SHOP	RET TO WS

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/27/2006

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	09/18/2006	EAF SUBMITTED	09/18/2006	WITH APPLIC
ORIG	09/18/2006	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	09/18/2006	LEAD AGENCY DECLARED	/ /	
ORIG	09/18/2006	DECLARATION (POS/NEG)	/ /	
ORIG	09/18/2006	SCHEDULE PUBLIC HEARING	/ /	
ORIG	09/18/2006	PUBLIC HEARING HELD	/ /	
ORIG	09/18/2006	WAIVE PUBLIC HEARING	/ /	
ORIG	09/18/2006	FINAL PUBLIC HEARING	/ /	
ORIG	09/18/2006	PRELIMINARY APPROVAL	/ /	
ORIG	09/18/2006	LEAD AGENCY LETTER SENT	/ /	



**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** Genaro Argenio, Planning Board Chairman  
**FROM:** Kenneth Schermerhorn, Asst. Fire Inspector  
**SUBJECT:** PB-06-26  
TLC Day Care  
SBL: 65-2-23  
**DATE:** September 25, 2006

**Fire Prevention Reference Number: FPS-06-045**

**A review of the above referenced site plan and special permit have been conducted and are acceptable.**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 09/21/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**APPLICATION**

FOR PROJECT NUMBER: 6-26

NAME: TLC DAYCARE FACILITY PA2006-785  
APPLICANT: AIDA TORRES

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/18/2006	SPEC PERMIT	CHG	250.00		
09/18/2006	REC. CK. #1475	PAID		250.00	
09/18/2006	REC. CK. #1457	PAID		125.00	
09/18/2006	SITE PLAN APPLIC FEE	CHG	125.00		
		TOTAL:	375.00	375.00	0.00



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

RECEIVED

SEP 22 2006

N.W. HIGHWAY DEPT.

TO: HIGHWAY DEPARTMENT

P.B. FILE #06-26 DATE RECEIVED: 09-18-06 TAX MAP #65-2-23

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: 09-26-06 TO BE ON AGENDA FOR THE 09-27-06 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

#### TLC DAY CARE

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION \_\_\_\_\_, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT XXX

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:



APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed by

date

*Anthony [Signature]*

9/25/06



**McGOEY, HAUSER and EDSALL**  
CONSULTING ENGINEERS P.C.

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e-mail: mhepa@mhepc.com

Writer's E-mail Address:

mje@mhepc.com

**PLANNING BOARD WORK SESSION**

**RECORD OF APPEARANCE**

100-3

06-26

TOWN / VILLAGE OF: New Windsor

P/B APP. NO.:

WORK SESSION DATE: 6 Sept 06

PROJECT: NEW X OLD

REAPPEARANCE AT W/S REQUESTED: not now

RESUB. REQ'D: full app

PROJECT NAME: RL Day Care

REPRESENTATIVES PRESENT: AvaDon

MUNICIPAL REPS PRESENT:

BLDG INSP.  
ENGINEER  
P/B CHMN

Mike (pt)

FIRE INSP.  
PLANNER  
OTHER

Ed Gannon

ITEMS DISCUSSED:

- Use Irrev. MB determination
- NOT ZBA per Mike
- needs Spec Permit
- need parking calc
- exist pkg row paved  $\Rightarrow$  OK still?
- sign face change.
- fence needs maint
- verbal agmt on fence encroachment.
- pave wedge @ on add detail

disc  
forward  
app

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT

TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

PROJECT STATUS:

ZBA Referral: Y X N

Ready For Meeting X Y N

Recommended Mtg Date next ava.



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.  
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WILLIAM J. HAUSER, P.E. (NY & NJ)  
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Writer's E-mail Address:  
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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor

P/B APP. NO. 1003 06-26

WORK SESSION DATE: 2 AUG 06

PROJECT: NEW X OLD

REAPPEARANCE AT W/S REQUESTED: Not now

RESUB. REQ'D: Full App

PROJECT NAME: - TL C Day Care -

REPRESENTATIVES PRESENT: Ed Gannon / Ann Torres

MUNICIPAL REPS PRESENT: BLDG INSP. ENGINEER X  
P/B CHMN

FIRE INSP. PLANNER  
OTHER

ITEMS DISCUSSED: C

- next to VGFD next to Carey!  
- show C / Ray  
- previous use - school  
- proposed day care  
- add Dr ramp.  
school 1/2 or 1/4 and chicken ↑  
day care 1/2 + 1/5 + turnaround  
30/5 = 6 + 2 depth = 8  
show  
Spec Permit

STND CHECKLIST: PROJECT TYPE

DRAINAGE  
DUMPSTER  
SCREENING  
LIGHTING (Streetlights)  
LANDSCAPING  
BLACKTOP  
ROADWAYS  
APPROVAL BOX  
PROJECT STATUS: ZBA Referral: Y N  
Ready For Meeting X Y N  
Recommended Mtg Date

SITE PLAN  
SPEC PERMIT  
LL CHG.  
SUBDIVISION  
OTHER

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
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## PLANNING BOARD APPLICATION

9/27  
Agenda

### TYPE OF APPLICATION (check appropriate item):

Subdivision \_\_\_\_\_ Lot Line Change \_\_\_\_\_ Site Plan ☒ Special Permit \_\_\_\_\_

Tax Map Designation: Sec. 65 Block 2 Lot 23

### BUILDING DEPARTMENT PERMIT NUMBER:

PA 2006 - 785  
MUST FILL IN THIS NUMBER

1. Name of Project TLC DAY CARE FACILITY

2. Owner of Record JOAN PAESE Phone \_\_\_\_\_  
27 WATERWAY NEWBURGH NY 12550  
Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant AIDA TORRES Phone (845) 534-4843  
Address: 111 MAIN STREET CORNWALL NY 12518  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan EDWARD T. GANNON Phone (845) 497-8383  
Address: CHERRY HILL ROAD BLOOMING GROVE NY 10914  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_  
Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

AIDA TORRES (Name) (845) 787-7312 (Phone) 845-534-4843 (fax)  
CELL # 845-534-4843 WORK #

7. Project Location: On the NORTH side of NY S HIGHWAY Rt No 94  
(Direction) (Street)

8. Project Data: Acreage 1.4 Zone C School Dist. \_\_\_\_\_

06-26

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No ✓

**\*This information can be verified in the Assessor's Office.**

**\*If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.)

EXISTING BUILDING (FORMER SCHOOL) TO BE USED FOR DAY CARE  
UTILIZING EXISTING FENCED IN YARD AND PARKING AREA (10 SPACES + 1 H/C)

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no ✓

12. Has a Special Permit previously been granted for this property? yes ✓ no ✓

**IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.**

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION

SWORN BEFORE ME THIS:

4<sup>th</sup> DAY OF August 2006  
ELLEN M. KELLY  
Notary Public, State Of New York  
No. 01KE6084020  
Qualified In Orange County  
Commission Expires November 25, 2006  
Ellen M. Kelly  
NOTARY PUBLIC

*Joan Shadden-Paese*  
(OWNER'S SIGNATURE)

*Aida Torres*  
(AGENT'S SIGNATURE)

*Aida Torres*  
Please Print Agent's Name as Signed

\*\*\*\*\*

TOWN USE ONLY:

DATE APPLICATION RECEIVED

APPLICATION NUMBER

PROJECT I.D. NUMBER

617.21

SEQR

## Appendix C

State Environmental Quality Review

## SHORT ENVIRONMENTAL ASSESSMENT FORM

For UNLISTED ACTIONS Only

## PART I—PROJECT INFORMATION (To be completed by Applicant or Project sponsor)

1. APPLICANT /SPONSOR <b>AIDA TORRES</b>	2. PROJECT NAME <b>TLC DAY CARE FACILITY</b>
3. PROJECT LOCATION: Municipality <b>NEW WINDSOR</b> County <b>ORANGE</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <b>878 BLOOMING GROVE TURNPIKE NEW WINDSOR NY</b>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <b>FORMER SCHOOL - PROPOSED DAY CARE</b>	
7. AMOUNT OF LAND AFFECTED: Initially <b>0.8</b> acres Ultimately <b>0.8</b> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <b>Aida Torres</b> Date: <b>8/3/06</b> Signature: <b>Aida Torres</b>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER



**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

<p><b>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12?</b></p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p><b>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6?</b>    If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes    <input type="checkbox"/> No</p>	
<p><b>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)</b></p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p style="margin-left: 40px;">No</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p> <p style="margin-left: 40px;">No</p>	
<p><b>D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</b></p> <p><input type="checkbox"/> Yes    <input checked="" type="checkbox"/> No    If Yes, explain briefly</p>	

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which <b>MAY</b> occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action <b>WILL NOT</b> result in any significant adverse environmental impacts <b>AND</b> provide on attachments as necessary, the reasons supporting this determination:</p>	
<p>_____ Name of Lead Agency</p>	
<p>_____ Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____ Title of Responsible Officer</p>
<p>_____ Signature of Responsible Officer in Lead Agency</p>	<p>_____ Signature of Preparer (if different from responsible officer)</p>
<p>_____ Date</p>	

EC0164  
"XX"

## ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance ☒

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

James Sheddus. Paces

Property is ~~not~~ in a flood zone.

**AGENT/OWNER PROXY STATEMENT**  
**(for professional representation)**

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

JOAN PAESE, deposes and says that he resides  
(OWNER)  
at 27 WATERWAY in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map  
(Sec. 65 Block 2 Lot 23)  
designation number (Sec.        Block        Lot       ) which is the premises described in  
the foregoing application and that he designates:

AIDA TORRES 111 MAIN STREET CORNWALL NY  
(Agent Name & Address)

EDWARD T. GANNON CHERRY HILL ROAD BLOOMING GROVE NY  
(Name & Address of Professional Representative of Owner and/or Agent)

as his agent to make the attached application.

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

**\*\*** Joan Paese  
Owner's Signature (MUST BE NOTARIZED)

25 DAY OF September 2006

**ELLEN M. KELLY**  
Notary Public, State Of New York  
No. 01KE6084020  
Qualified In Orange County  
Commission Expires November 25, 2006

Ellen M. Kelly  
NOTARY PUBLIC

\_\_\_\_\_  
Agent's Signature (If Applicable)

\_\_\_\_\_  
Professional Representative's Signature

**\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.**

**THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER**

# TOWN OF NEW WINDSOR PLANNING BOARD

## SITE PLAN CHECKLIST

### ITEM

1. ✓ Site Plan Title
2. ✓ Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. ✓ Applicant's Name(s)
4. ✓ Applicant's Address
5. ✓ Site Plan Preparer's Name
6. ✓ Site Plan Preparer's Address
7. ✓ Drawing Date
8. ✓ Revision Dates
9. ✓ Area Map Inset and Site Designation
10. ✓ Properties within 500' of site
11. ✓ Property Owners (Item #10)
12. ✓ Plot Plan
13. ✓ Scale (1" = 50' or lesser)
14. ✓ Metes and Bounds
15. ✓ Zoning Designation
16. ✓ North Arrow
17. ✓ Abutting Property Owners
18. ✓ Existing Building Locations
19. ✓ Existing Paved Areas
20. ✓ Existing Vegetation
21. ✓ Existing Access & Egress

## PROPOSED IMPROVEMENTS

22. EXISTING Landscaping
23. EXISTING Exterior Lighting
24. EXISTING Screening
25. EXISTING Access & Egress
26. EXISTING Parking Areas
27. N/A Loading Areas
28. NONE Paving Details (Items 25 - 27)
29. ↓ Curbing Locations
30. ↓ Curbing through section
31. EXISTING ~~EXISTING~~ Catch Basin Locations
32. ↓ Catch Basin Through Section
33. ↓ Storm Drainage
34. NONE Refuse Storage
35. NONE Other Outdoor Storage
36. EXISTING TOWN Water Supply
37. EXISTING TOWN Sanitary Disposal System
38. EXISTING Fire Hydrants
39. EXISTING Building Locations
40. ✓ Building Setbacks
41. ✓ Front Building Elevations
42. N/A Divisions of Occupancy
43. ✓ Sign Details
44. ✓ Bulk Table Inset
45. ✓ Property Area (Nearest 100 sq. ft.)
46. 1535 ~~4~~ Building Coverage (sq. ft.)
47. 0.02 Building Coverage (% of total area)
48. 4460 ~~4~~ Pavement Coverage (sq. ft.)
49. 0.07 Pavement Coverage (% of total area)
50. 50,000 ~~4~~ Open Space (sq. ft.)
51. 0.83 Open Space (% of total area)
52. 10+1 ~~4~~ No. of parking spaces proposed
53. 11 No. of parking spaces required

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

54. n/a

Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

55. n/a

A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

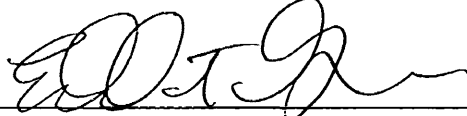
A Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY:  8/4/06  
Licensed Professional Date

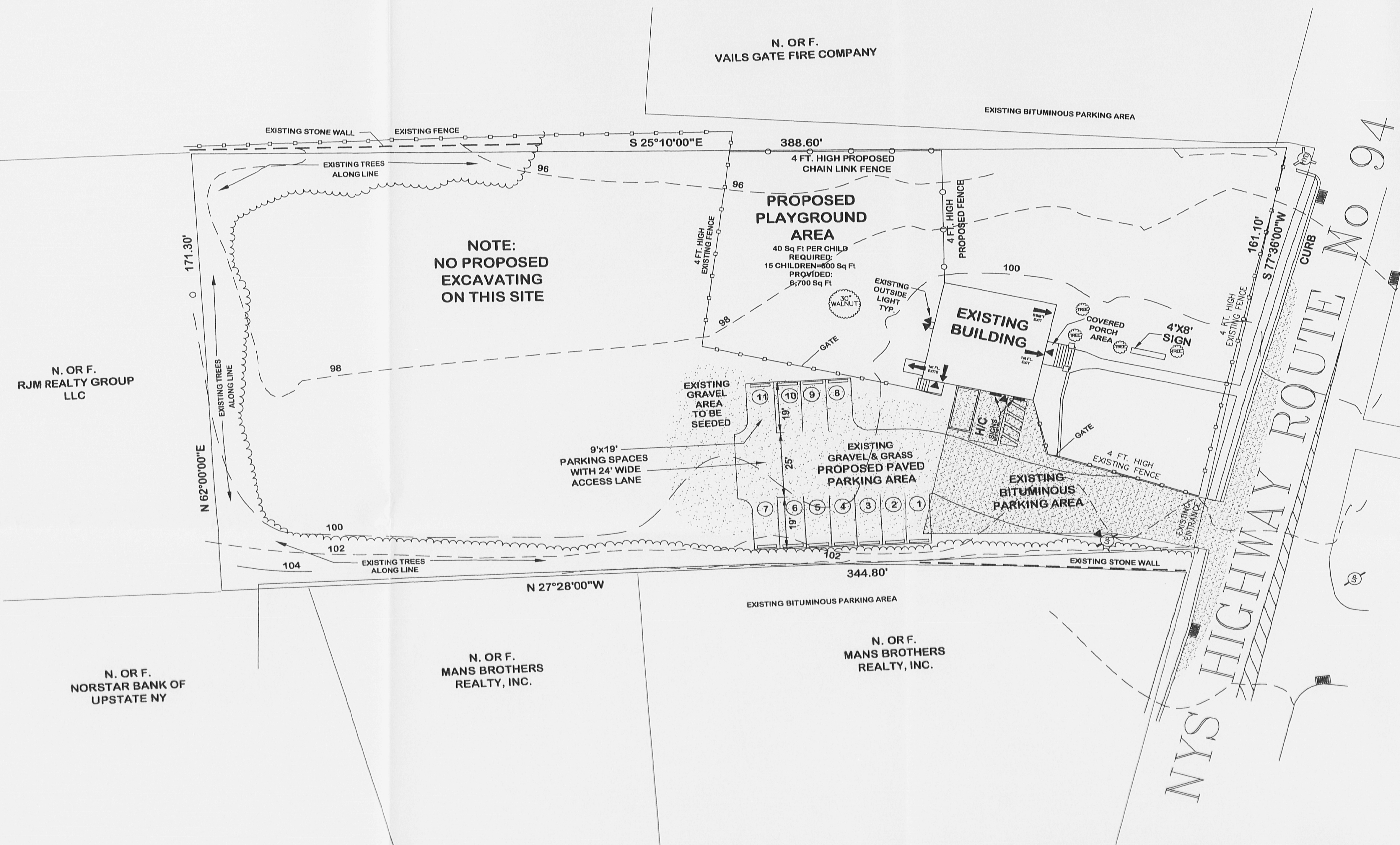
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**PLEASE NOTE:**

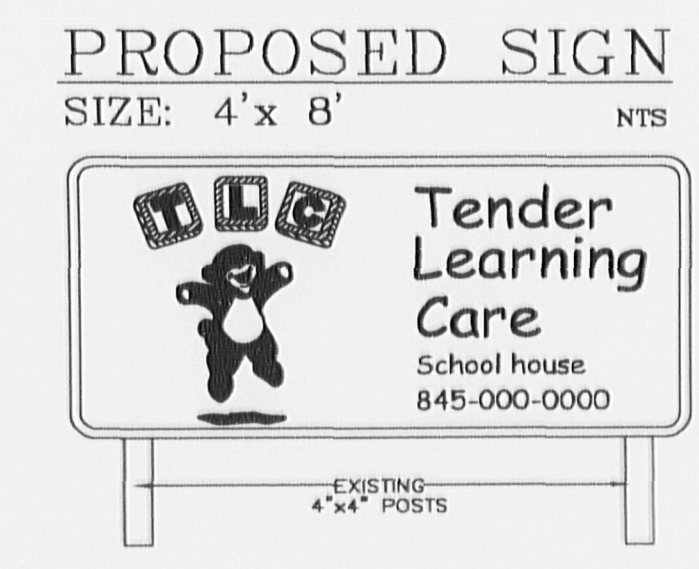
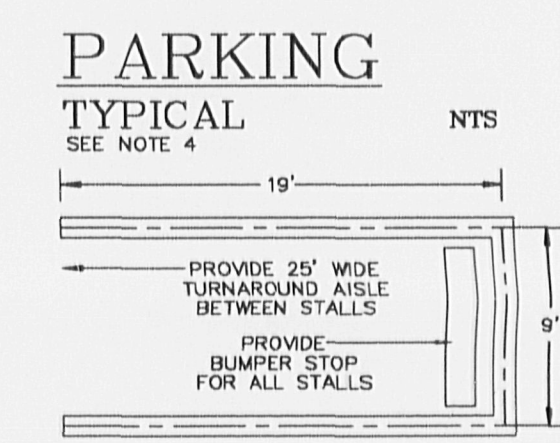
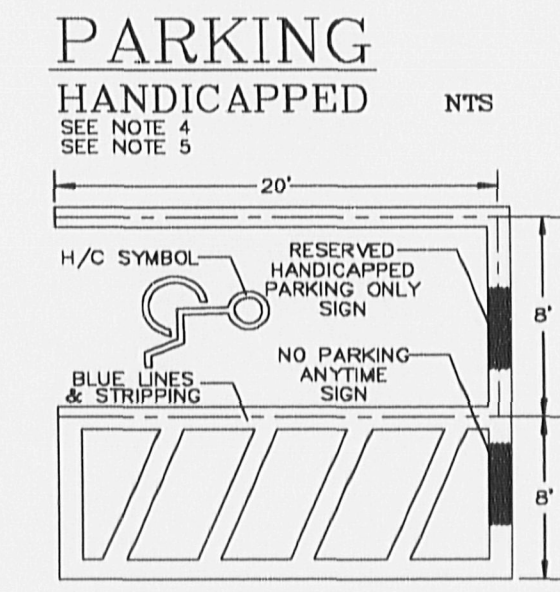
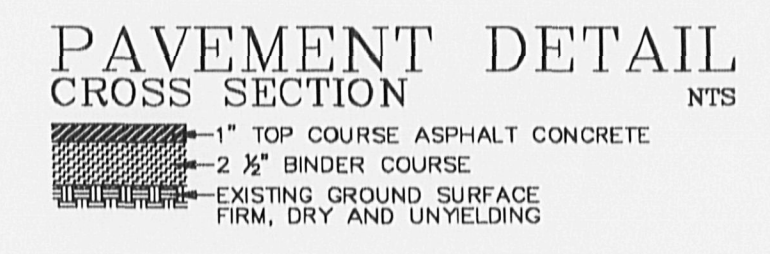
⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**





- ### NOTES
1. NO EXCAVATING OR ALTERING OF DRAINAGE (SURFACE WATER AND UNDERGROUND) IS PLANNED.
  2. LAND DISTURBANCE IS LIMITED TO RESURFACING THE PARKING AREA AS DIRECTED BY THE PLANNING BOARD. PARKING AREA TO BE DISTURBED 5,000 ±S.F. AREA OF LOT TOTALLY UNDISTURBED 55,000 ±S.F.
  3. ALL FENCES TO BE RENOVATED, REMOVED AND/OR REPLACED TO INSURE THE SAFETY OF STUDENTS
  4. PARKING SPACES SHALL MEET ALL CURRENT STATE AND/OR TOWN REQUIREMENTS. INCLUDING, BUT NOT LIMITED TO, COLOR AND SIZE OF SIGNS AND SYMBOLS, PAINT COLOR AND WIDTH OF LINES.



### PARKING SPACES

4 EMPLOYEES 30 STUDENTS	REQUIRED	PROPOSED HANDICAPPED SPACE NOT INCLUDED
1 SPACE PER EMPLOYEE + 1	5 SPACES	5 SPACES
1 SPACE PER 5 CHILDREN	6 SPACES	6 SPACES
TOTAL PARKING	11 SPACES	11 SPACES

TAX MAP  
SECTION 65  
BLOCK 2  
LOT 23

DATE: JULY 20, 2006 REV JULY 31, 2006 JANUARY 5, 2007	AREA 1.3 ACRES	SCALE: 1" = 20'
----------------------------------------------------------------	-------------------	--------------------

UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. THE CERTIFICATION IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE. IT IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS. PLAN PREPARED PURSUANT TO SECTION 7209b OF THE NEW YORK STATE EDUCATION LAW, SUBJECT TO THE FINDINGS OF AN UP TO DATE TITLE SEARCH. UNLESS THE SURVEYOR'S SEAL APPEARS RAISED ON THIS MAP, IT SHOULD NOT BE CONSIDERED A TRUE AND CORRECT COPY OF THE SURVEYOR'S ORIGINAL WORK AND OPINION.

EDWARD T. GANNON, L.S. NYS License No. 049907

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

APR 26 2007

By: *[Signature]*  
By: *[Signature]*

## SITE PLAN PREPARED FOR DAY CARE FACILITY

TOWN OF NEW WINDSOR  
ORANGE COUNTY ~ NEW YORK

EDWARD T. GANNON, L.S.  
CHERRY HILL ROAD ~ BLOOMING GROVE, NY 10914  
PHONE AND FAX (845) 497~8383

JOB ETC 0-1440